















# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

Containing the 2001 Session  
December 6, 2000  
through  
December 12, 2001

GENE G. CHANDLER  
SPEAKER

KAREN O. WADSWORTH  
CLERK

DEBORAH NIELSEN  
SERGEANT-AT-ARMS

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# HOUSE JOURNAL No. 1

December 6, 2000

On the first Wednesday in December in the year of our Lord, two thousand, it being the day designated by the Constitution for assembling, the one hundred and fifty-seventh General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Karen O. Wadsworth, Clerk of the House for the preceding session.

Prayer was offered by The Reverend Eric N. Lindblade, Sr.

Our God, again we come to the convening of our citizen legislature. May those who have been elected to serve the people understand that it is no small honor, for they stand in the noble tradition of men and women who have made the laws for free peoples throughout history. From Solon in Greece, Cato in Rome, Disraeli in Britain, Madison and Adams, Webster and Clay and the thousands who have served honorably and well, generation after generation in this historic house. Today you begin to share in this great enterprise. May each of you remember that the laws you make are not just for today but must stand the test of time. Consider as you deliberate; will they prove to be a bane or a blessing for the people; will they promote or hinder the growth of our State; will they represent the will of the people or a chosen few? Two years lie before you. Give of your best to make them positive and forward looking. May those who shall have governance over this House be blessed with good humor, patience and forbearance that under their leadership the business of this house may ever be conducted with civility and due regard for one another. Now, may God's richest blessing be upon all who are to serve: our Governor, our Speaker and each one of you who take the oath of office this day. Amen.

Rep.-elect Panagopoulos led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps.-elect Courchesne and Lockwood, the day illness.

Reps.-elect Bouldin, DePecol, Dunlap, Lefebvre, Sokol, Solow, Stevens and Woekel, the day important business.

## CALL OF THE ROLL

### BELKNAP COUNTY

Dist. No. 1 (2)	David M. Lawton, r; Stephen H. Nedeau, r
Dist. No. 2 (2)	Thomas Salatiello, d; Francine Wendelboe, r
Dist. No. 3 (2)	James P. Pilliod, r; John H. Thomas, r
Dist. No. 4 (2)	William Johnson, d; Alida I. Millham, r
Dist. No. 5 (3)	Laurie J. Boyce, r; Stanley Czech, r; David H. Russell, r
Dist. No. 6 (1)	Gordon E. Bartlett, r
Dist. No. 7 (6)	Elected, not sworn; Donald H. Flanders, r; Robert G. Holbrook, r; Thomas Rice, Jr., r; Ralph J. Rosen, r; Jane Wood, d

### CARROLL COUNTY

Dist. No. 1 (1)	Gene G. Chandler, r
Dist. No. 2 (2)	Howard C. Dickinson, r; P. Judith Sullivan, r
Dist. No. 3 (1)	Henry P. Mock, r
Dist. No. 4 (1)	Donald Philbrick, r
Dist. No. 5 (2)	David L. Babson, Jr., r; L. Randy Lyman, r
Dist. No. 6 (1)	Elected, not sworn
Dist. No. 7 (1)	Elected, not sworn
Dist. No. 8 (1)	Jeb E. Bradley, r
Dist. No. 9 (1)	Betsey L. Patten, r
Dist. No. 10 (2)	Lee W. Quimby, r; Gary P. Torressen, r

### CHESHIRE COUNTY

Dist. No. 1 (1)	Paul McGuirk, d
Dist. No. 2 (2)	Robert C. Batchelder, d; John M. Pratt, d

<b>Dist. No. 3 (1)</b>	McKim W. Mitchell, d
<b>Dist. No. 4 (1)</b>	William E. Roberts, r
<b>Dist. No. 5 (1)</b>	Irene A. Pratt, d
<b>Dist. No. 6 (1)</b>	Edwin O. Smith, r
<b>Dist. No. 7 (1)</b>	Peter H. Allen, d
<b>Dist. No. 8 (2)</b>	Stephen G. Avery, r; Daniel M. Burnham, d
<b>Dist. No. 9 (2)</b>	Joseph P. Manning, r; H. Charles Royce, r
<b>Dist. No. 10 (1)</b>	John B. Hunt, r
<b>Dist. No. 11 (2)</b>	Judson K. Dexter, r; Bernard Lambert, d
<b>Dist. No. 12 (1)</b>	Barbara H. Richardson, d;
<b>Dist. No. 13 (1)</b>	Susan Emerson, r
<b>Dist. No. 14 (1)</b>	Elected, not sworn
<b>Dist. No. 15 (1)</b>	Ronald G. Russell, d
<b>Dist. No. 16 (1)</b>	David R. Meader, d
<b>Dist. No. 17 (1)</b>	Roger Zerba, d
<b>Dist. No. 18 (1)</b>	Chandler Fairbanks, r
<b>Dist. No. 19 (3)</b>	Dana A. Edwards, r; Peter S. Espieffs, d; Charles Weed, d

### COOS COUNTY

<b>Dist. No. 1 (2)</b>	Perley E. Davis, r; Eric Stohl, r
<b>Dist. No. 2 (1)</b>	Dana Landers, d
<b>Dist. No. 3 (1)</b>	Lynn C. Horton, r
<b>Dist. No. 4 (1)</b>	Leighton C. Pratt, r
<b>Dist. No. 5 (1)</b>	John E. Tholl, Jr., r
<b>Dist. No. 6 (2)</b>	Paula E. Bradley, d; Lawrence J. Guay, r
<b>Dist. No. 7 (5)</b>	John T. Gallus, r; Edgar H. Mears, d; Robert Rodrigue, d; Michael J. Rozek, r; David Woodward, r

### GRAFTON COUNTY

<b>Dist. No. 1 (3)</b>	Stephanie Eaton, r; G. Michael Gilman, r; Brien L. Ward, r
<b>Dist. No. 2 (1)</b>	Gene B. Marshall, r
<b>Dist. No. 3 (1)</b>	Robert J. Guida, r
<b>Dist. No. 4 (1)</b>	Bonnie D. Ham, r
<b>Dist. No. 5 (2)</b>	John S. Cobb, r; Douglass P. Teschner, r
<b>Dist. No. 6 (2)</b>	Robert Barker, r; Sid Lovett, d
<b>Dist. No. 7 (2)</b>	Mary R. Cooney, d; Debra A. Naro, d
<b>Dist. No. 8 (2)</b>	Bill Gabler, r; Burton W. Williams, r
<b>Dist. No. 9 (1)</b>	John R.M. Alger, r
<b>Dist. No. 10 (4)</b>	Bernard Benn, d; Sharon L. Nordgren, d; elected not sworn; elected, not sworn
<b>Dist. No. 11 (2)</b>	David M. Scanlan, r; Charles E. Sova, r
<b>Dist. No. 12 (1)</b>	Paul M. Mirski, r
<b>Dist. No. 13 (1)</b>	Nancy Scovner, d
<b>Dist. No. 14 (4)</b>	Ralph L. Akins, r; Susan W. Almy, d; Terri C. Dudley, r; Marion Pawlek, d

### HILLSBOROUGH COUNTY

<b>Dist. No. 1 (1)</b>	Kimberley Dionne, r
<b>Dist. No. 2 (1)</b>	Larry G. Elliott, r
<b>Dist. No. 3 (1)</b>	Maxwell D. Sargent, r
<b>Dist. No. 4 (1)</b>	Pierre W. Bruno, r
<b>Dist. No. 5 (2)</b>	Gary S. Hopper, r; Neal M. Kurk, r
<b>Dist. No. 6 (1)</b>	O. Alan Thulander, r
<b>Dist. No. 7 (5)</b>	Lawrence A. Emerton, Sr., r; Richard E. Fletcher, r; Randolph Holden, r; Karen K. McRae, r; Robert Wheeler, r
<b>Dist. No. 8 (2)</b>	Merton S. Dyer, r; Andrew R. Peterson, r
<b>Dist. No. 9 (1)</b>	Edward R. Leach, r
<b>Dist. No. 10 (1)</b>	Linda T. Foster, d
<b>Dist. No. 11 (1)</b>	Harold Melcher, d



- Dist. No. 12 (1)** Pamela D. Coughlin, r  
**Dist. No. 13 (4)** Peter E. Bragdon, r; Keith R. Herman, r; Peter R. Leishman, r; Timothy O'Connell, r  
**Dist. No. 14 (3)** Cynthia J. Dokmo, r; Robert H. Rowe, r; Paul D. Spiess, r  
**Dist. No. 15 (4)** Kathleen M. Flora, r; Maurice E. Goulet, r; John A. Graham, r; Edward P. Moran, Jr., r  
**Dist. No. 16 (1)** Peter F. Bergin, r  
**Dist. No. 17 (2)** Leon Calawa, Jr., r; Loren J. Jean, r  
**Dist. No. 18 (8)** John Balcom, r; Peter L. Batula, r; Robert W. Brundige, r; Chris Christensen, r; Dennis H. Fields, r; Charles Q. Hall, r; Robert J. L'Heureux, r; Robert H. Milligan, r  
**Dist. No. 19 (1)** Donald Carlson, r  
**Dist. No. 20 (2)** Thomas I. Arnold, Jr., r; Betty B. Hall, d  
**Dist. No. 21 (1)** Richard S. Eaton, r  
**Dist. No. 22 (2)** Richard B. Drisko, r; Carolyn M. Gargas, r  
**Dist. No. 23 (6)** David J. Alukonis, r; David M. Bouchard, r; Lars T. Christiansen, r; Robert E. Clegg, Jr., r; Rudy Lessard, r; Joan C. Tate, r  
**Dist. No. 24 (3)** Jean-Guy J. Bergeron, r; Harold V. Lynde, d; Christopher Seibel, r  
**Dist. No. 25 (1)** Donald B. White, r  
**Dist. No. 26 (3)** Paul C. Bellavance, d; elected, not sworn; Claire B. McHugh, r  
**Dist. No. 27 (3)** Michael A. Balboni, r; Richard J. LaRose, r; Robert S. Mercer, r  
**Dist. No. 28 (3)** Robert A. Daigle, d; Nancy M. Ford, r; Lori Movsesian, d  
**Dist. No. 29 (3)** Tom Alciere, r; David E. Cote, d; Mary Gorman, d  
**Dist. No. 30 (3)** Nelson Allen, r; Mary L. Andosca, d; Harvey Keye, d  
**Dist. No. 31 (3)** Elected, not sworn; elected, not sworn; Cynthia P. Sweeney, d  
**Dist. No. 32 (3)** Lori Cardin, d; Peter R. Cote, d; Claudette R. Jean, d  
**Dist. No. 33 (3)** Christine M. Konys, d; Bette R. Lasky, d; Joan H. Schulze, d  
**Dist. No. 34 (3)** Lawrence A. Artz, r; Christine Furman, r; Mary Ellen Martin, d  
**Dist. No. 35 (1)** Paul G. LaFlamme, Jr., r  
**Dist. No. 36 (1)** A. Theresa Drabinowicz, d  
**Dist. No. 37 (3)** Jeff Goley, d; John P. Kacavas, d; Sandra Reeves, r  
**Dist. No. 38 (3)** William M. Golding, r; James W. Craig, d; Saghir A. Tahir, r  
**Dist. No. 39 (3)** William Clayton, d; Frank C. Guinta, r; Bonnie Patria, d  
**Dist. No. 40 (3)** Lionel W. Johnson, d; Leo P. Pepino, r; Kathleen Souza, r  
**Dist. No. 41 (3)** Alice McDonough-Wallace, d; Eric Palangas, d; Greg Salts, r  
**Dist. No. 42 (3)** Benjamin C. Baroody, d; elected, not sworn; Jeffrey Duval, d  
**Dist. No. 43 (3)** Paul J. Dwyer, Sr., d; elected, not sworn; Carol Ann Williams, d  
**Dist. No. 44 (3)** Roland O. Beaupre, r; Raymond C. Buckley, d; Steve Vaillancourt, l  
**Dist. No. 45 (3)** William J. Desrosiers, r; Andre A. Martel, r; Barbara Shaw, d  
**Dist. No. 46 (3)** Gary C. Greenberg, r; Irene M. Messier, r; John M. White, d  
**Dist. No. 47 (3)** Elected, not sworn; Nicholas Panagopoulos, d; Rob Thompson, r  
**Dist. No. 48 (3)** Robert Chabot, r; Carlos E. Gonzalez, r; Marc Pappas, r

### MERRIMACK COUNTY

- Dist. No. 1 (2)** Richard P. Brewster, r; William E. Leber, r  
**Dist. No. 2 (3)** J. D. Colcord, r; Alf E. Jacobson, r; Steve Winter, r  
**Dist. No. 3 (2)** Barbara Conner French, d; Elizabeth Rodd, d  
**Dist. No. 4 (1)** Claire D. Clarke, d  
**Dist. No. 5 (1)** Michael D. Whalley, r  
**Dist. No. 6 (1)** Derek Owen, d  
**Dist. No. 7 (3)** Eric Anderson, r; Richard E. Kennedy, r; John R. Swindlehurst, r  
**Dist. No. 8 (1)** Christopher H. Dunne, r  
**Dist. No. 9 (4)** Raymond C. Cummings, r; Leo W. Fraser, r; elected, not sworn; Roy D. Maxfield, r  
**Dist. No. 10 (2)** Tony F. Soltani, r; Charles B. Yeaton, d  
**Dist. No. 11 (3)** David W. Hess, r; Stephen L'Heureux, r; Ray F. Langer, r

- Dist. No. 12 (4)** Gabriel J. Daneault, d; Francis W. Davis, r; Vincent E. Greco, d; Deanna P. Rush, d
- Dist. No. 13 (3)** Martin Feuerstein, r; Randy J. Perkins, d; James A. Whittemore, r
- Dist. No. 14 (1)** David Poulin, r
- Dist. No. 15 (1)** John D. Hutchinson, r
- Dist. No. 16 (1)** Mary Stuart Gile, d
- Dist. No. 17 (1)** Gloria Seldin, d
- Dist. No. 18 (1)** Elizabeth Hager, r
- Dist. No. 19 (1)** Carol Moore, d
- Dist. No. 20 (1)** Toni M. Crosby, d
- Dist. No. 21 (1)** Marilyn A. Fraser, d
- Dist. No. 22 (1)** Candace W. Bouchard, d
- Dist. No. 23 (1)** Tara G. Reardon, d
- Dist. No. 24 (3)** Jim MacKay, r; Frances D. Potter, d; Mary Jane Wallner, d

### ROCKINGHAM COUNTY

- Dist. No. 1 (1)** Robert A. Johnson, r
- Dist. No. 2 (1)** Margaret A. Case, r
- Dist. No. 3 (1)** Ronald J. Nowe, r
- Dist. No. 4 (1)** Robert K. Dodge, r
- Dist. No. 5 (1)** C. Donald Stritch, r
- Dist. No. 6 (1)** Rudolph J. Kobel, r
- Dist. No. 7 (1)** Joseph E. Stone, r
- Dist. No. 8 (1)** Kevin R. Chalbeck, r
- Dist. No. 9 (2)** Corey E. Corbin, r; Thomas A. Varrell, r
- Dist. No. 10 (1)** Albert W. Hamel, r
- Dist. No. 11 (1)** Daniel C. Itse, r
- Dist. No. 12 (3)** Franklin C. Bishop, r; William T. Kelley, r; Stephen Sloan, r
- Dist. No. 13 (11)** Patricia A. Dowling, r; Robert M. Fesh, r; John P. Gleason, r; George N. Katsakiores, r; Phyllis M. Katsakiores, r; John S. Langone, r; Robert Letourneau, r; Lucille Power, r; James B. Rausch, r; Frank V. Sapareto, r; William R. Zolla, r
- Dist. No. 14 (1)** Natalie S. Flanagan, r
- Dist. No. 15 (2)** Ed M. Putnam, II, r; Neil J. Reardon, r
- Dist. No. 16 (2)** Norman L. Major, r; Marie N. Rabideau, r
- Dist. No. 17 (2)** Kevin L. Camm, r; Vivian R. Clark, r
- Dist. No. 18 (4)** John W. Flanders, Sr., r; David A. Welch, r; Kenneth L. Weyler, r; John Whittier, r
- Dist. No. 19 (3)** Betsy Coes, d; Karl Gilbert, r; Raymond E. Trueman, d
- Dist. No. 20 (5)** Warren Henderson, r; Marshall E. Quandt, r; Matthew J. Quandt, r; Carl G. Robertson, r; Jackie L. Weatherspoon, d
- Dist. No. 21 (3)** Benjamin E. Moore, r; Patricia M. O'Keefe, d; Diane Palermo, r
- Dist. No. 22 (5)** Russell D. Bridle, r; Sheila T. Francoeur, r; Jane P. Kelley, d; Pamela Saia, r; elected, not sworn
- Dist. No. 23 (1)** Bruce L. Dearborn, r
- Dist. No. 24 (2)** Russell N. Cox, r; Jane S. Langley, r
- Dist. No. 25 (3)** Jeff Gilbert, r; Rogers J. Johnson, r; Walter D. Ruffner, r
- Dist. No. 26 (9)** Ronald J. Belanger, r; Richard T. Cooney, r; Janeen Dalrymple, r; Michael W. Downing, d; Ronald Giordano, r; Jim Holland, r; Bob McGuire, d; Stephanie K. Micklon, d; Anne K. Priestley, r
- Dist. No. 27 (3)** Janet S. Arndt, r; Anthony R. DiFruscia, r; Mary E. Griffin, r
- Dist. No. 28 (1)** Charles Morse, r
- Dist. No. 29 (7)** Sharon Carson, r; Jonathan E. Hill, r; Karen K. Hutchinson, r; Robert E. Introne, Jr., r; Betsy McKinney, r; Walter J. Mikowski, r; Sherman A. Packard, r
- Dist. No. 30 (1)** Laura C. Pantelakos, d

- Dist. No. 31 (1)** Terie T. Norelli, d
- Dist. No. 32 (1)** Cecelia D. Kane, d
- Dist. No. 33 (2)** MaryAnn N. Blanchard, d; Betsy Shultis, d
- Dist. No. 34 (1)** James R. Splaine, d
- Dist. No. 35 (2)** Raimond Bowles, r; Jacqueline A. Pitts, d
- Dist. No. 36 (1)** Martha Fuller Clark, d

### STRAFFORD COUNTY

- Dist. No. 1 (1)** David A. Bickford, r
- Dist. No. 2 (1)** Rodney J. Woodill, d
- Dist. No. 3 (2)** Jerry McCarthy, d; William Tsiros, r
- Dist. No. 4 (1)** Michael Harrington, r
- Dist. No. 5 (1)** Nancy K. Johnson, d
- Dist. No. 6 (2)** Marlene M. DeChane, d; George T. Musler, r
- Dist. No. 7 (1)** Naida Kaen, d
- Dist. No. 8 (4)** Iris W. Estabrook, d; Donald Lent, d; Marjorie K. Smith, d; Judith Spang, d
- Dist. No. 9 (1)** Janet G. Wall, d
- Dist. No. 10 (1)** Michael S. Rollo, d
- Dist. No. 11 (4)** Gary Gilmore, d; William V. Knowles, d; Kathleen N. Taylor, d; Phyllis Woods, r
- Dist. No. 12 (4)** Earle Goodwin, d; Arthur J. Pelletier, d; Raymond E. Proulx, d; Christopher Reid, r
- Dist. No. 13 (1)** Marsha L. Pelletier, d
- Dist. No. 14 (4)** Roger R. Berube, d; Richard F. Heon, d; Christopher L. Hughes, d; Clair A. Snyder, d
- Dist. No. 15 (2)** Frank D. Callaghan, d; Donald A. Lachance, r
- Dist. No. 16 (2)** William P. Brennan, d; James E. Twombly, r
- Dist. No. 17 (2)** Russell A. Albert, r; Julie M. Brown, r
- Dist. No. 18 (2)** Elected, not sworn; Paul A. Ferland, d
- Dist. No. 19 (2)** Larry J. Cossette, r; Anne C. Grassie, d

### SULLIVAN COUNTY

- Dist. No. 1 (1)** Peter H. Burling, d
- Dist. No. 2 (1)** Richard C. Leone, r
- Dist. No. 3 (1)** Constance A. Jones, r
- Dist. No. 4 (3)** Gordon B. Flint, r; Peter E. Franklin, d; Beverly T. Rodeschin, r;
- Dist. No. 5 (1)** Bob Odell, r
- Dist. No. 6 (1)** Brenda Ferland, d
- Dist. No. 7 (1)** James Phinizy, d
- Dist. No. 8 (1)** John R. Cloutier, d
- Dist. No. 9 (1)** Sandra Harris, d
- Dist. No. 10 (1)** David C. Allison, d
- Dist. No. 11 (2)** Joe Harris, d; Amy E. Robb, d

With 385 members-elect having answered the call of the roll, a quorum was declared present.

### RESOLUTION

Representatives-elect Chandler and Burling offered the following:

RESOLVED, that a committee of four be appointed to wait upon the Governor and the Honorable Council to inform them that a quorum of the House is assembled and requests their attendance.

Adopted.

The Chair appointed Representatives-elect Howard C. Dickinson, Jr., Natalie S. Flanagan, Lynn C. Horton and Robert A. Johnson.

### INTRODUCTION OF GUESTS

Blanca, Louis, Paul and May Alciere, wife, son and parents of Rep.-elect Alciere. Patricia Allan, wife of Rep.-elect Nelson Allan. Carolyn Allen wife of Rep.-elect Peter H. Allen. George Andosca,

husband of Rep.-elect Andosca. Marianne, Daniel, Jonathan, Matthew, Katie and Mahlon Artz, wife, children and father of Rep.-elect Artz. Marie Balcom, wife of Rep.-elect Balcom. Dolly Bellavance, wife of Rep.-elect Bellavance. Emma, Joy, Jennifer and Joseph Bergeron, wife, daughter, daughter-in-law and grandson of Rep.-elect Bergeron. Teresa Stewart-Bouchard, wife of Rep.-elect David M. Bouchard. William Bradley, husband of Rep.-elect Paula Bradley. Lorraine Brennan, wife of Rep.-elect Brennan. Barbara Brewster, wife of Rep.-elect Brewster. Cassie Bridle, daughter of Rep.-elect Bridle. Sherrie Bruno, Shirley and Charles Mansfield, wife and guests of Rep.-elect Bruno. Wayne Buckley, father of Rep.-elect Buckley. Hon. Gregory Carson, husband of Rep.-elect Carson. Scott and Aram Avedisian, guests of Rep.-elect Chalbeck. Nancy Chandler, Flora Jones, Erik and Lori Chandler, Mikell and Christopher Perry, Leslie Shaheen, wife, mother, son and daughter-in-law, sister, nephew and sister-in-law of Rep.-elect Chandler. Tom and Tess Mulkern, Elaine and Leo Ryan, Debbie and Jason Tescini, Norman and Kathleen Head, Lynn Jones and Neil Levesque, guests of Rep.-elect Chandler. Lynn and Rachel Christensen, wife and mother of Rep.-elect Chris Christensen. David Clarke, Jr. and Caroletta Alicea, husband and daughter of Rep.-elect Claire D. Clarke. Priscilla Clegg, wife of Rep.-elect Clegg. Michael and Nicholas Cooney and John Bonifaz, husband, son and nephew of Rep.-elect Mary R. Cooney. Kathleen Cooney, niece of Rep.-elect Richard Cooney. Susanna Cox, wife of Rep.-elect Cox. John, John Jr., Sean, William and Kathryn Coughlin, husband and children of Rep.-elect Coughlin. Patricia Holmes, guest of Rep.-elect DeChane. Kathleen DiFruscia, wife of Rep.-elect DiFruscia. Lew Dokmo, husband of Rep.-elect Dokmo. Shirley Elliott, mother of Rep.-elect Dionne and Rep.-elect Elliott. Dr. Gerald W. Parker, David and Rae DuVernay, Polly Mellin, Dr. and Mrs. Kurzon, Jaye Barrett, Marilyn Pratt and Joy Fernandes, husband and guests of Rep.-elect Emerson. Donna J. Fairbanks and Susan Guetti, wife and sister of Rep.-elect Fairbanks. Harley Featherstrom, guest of Rep.-elect Micklon. May Ferland, wife of Rep.-elect Paul A. Ferland. Hon. Kenneth Malcolm, guest of Rep.-elect Francoeur. Hon. Gladys Cox, John Gargas, Luann and Nicole Sipe, mother, son, daughter and granddaughter of Rep.-elect Gargas. Doris and Scott Gilbert, wife and son of Rep.-elect Karl Gilbert. Mary Giordano, Terry and Sam Pollina, wife and guests of Rep.-elect Giordano. Christine Giuda and family, David and Evan Riel, Rev. Daniel Sinnibaldi, Mr. and Mrs. John Rice, wife, family and guests of Rep.-elect Giuda. Mary and Rhonda Goley and Dr. Sylvio Dupuis, mother, sister and father-in-law of Rep.-elect Goley. George Morel, Jean Max, Erin Hadley, Mr. and Mrs. Lugo, Ikomi Ngonei, German Orpiz, Wayne Jennings, Bill Padilla, Fernando Hilarion, Lillie Spooner, guests of Rep.-elect Gonzalez. Virginia L. Goodwin, wife of Rep.-elect Goodwin. Patricia and Calvin Graham, wife and brother of Rep.-elect Graham. Patricia Manseau, fiancée of Rep.-elect Greco. Kathy Bartholdi and Joshua Greenberg, wife and son of Rep.-elect Greenberg. Morgan, Virginia and Richard Guinta, Clarke Smith, Nancy and Dr. Richard Lemieux and Mark Cramer, wife, mother, father and guests of Rep.-elect Guinta. Elaine L. Hall, wife of Rep.-elect Charles Hall. Paul Haines, guest of Reps.-elect Sandra and Joseph Harris. Cynthia Herman, wife of Rep.-elect Herman. Patricia Holland, wife of Rep.-elect Holland. Lynda Hunt, wife of Rep.-elect Hunt. Genevieve and Peter Hutchinson, daughter and son of Rep.-elect John Hutchinson. Lisa Itse and children, wife and family of Rep.-elect Itse. Doris Johnson, mother of Rep.-elect Nancy Johnson. Erika Johnson, wife of Rep.-elect William Johnson. Charlene Kane and Heather Rowell, guests of Rep.-elect Cecelia Kane. Kathryn Voveris and Mr. and Mrs. Paul Laflamme, Sr., the wife and parents of Rep.-elect LaFlamme. Betsy and Christopher Landers, wife and son of Rep.-elect Landers. Beverly Leach, wife of Rep.-elect Leach. Anne-Marie Letourneau, Margret and Wilfred Valcourt, Diane Gallien, Heather Letourneau and Marissah Gallien, wife, mother, stepfather, daughter and granddaughters of Rep.-elect Letourneau. Simone, Matthew and Lauren Martel, Simonne Binette and Sister Rita Martel, wife, son, daughter, mother and sister of Rep.-elect Martel. Annette McGuire, Mollie Reagan and Ed Dube, wife, daughter and guest of Rep. McGuire. George McHugh, Jeanne and Maurice Phaneuf, husband and aunt and uncle of Rep.-elect McHugh. Leslie, Mark and Bruce Mendenhall, the daughter, son-in-law and grandchild of Rep.-elect Sweeney. Timothy and Elizabeth Naro, the husband and daughter of Rep.-elect Naro. Sandy Odell, the wife of Rep.-elect Odell. June Panagopoulos, mother of Rep.-elect Panagopoulos. John Pelletier, son of Reps.-elect Marsha and Arthur Pelletier. Mary, Sarah and Amy Perkins, the wife and daughters of Rep.-elect Perkins. Madeline and Daniel, Christopher and Micha Proulx, Michelle Brew, Maria Proulx and Jeff Plante, wife, sons, daughters, daughter-in-law and guests of Rep.-elect Proulx. Dorrie and Amanda Quandt, Alan and Dorothy Williams and Nicholas Valis, mother, sister and guests of Rep.-elect Matthew J.



Quandt. Lorinda, Sue and Heidi Rausch, the wife and daughters of Rep.-elect Rausch. Dr. R. Bruce and Kim Reeves, Rebie Sullivan, Lee Kilhenney. Susan Rivsky and John Ford, husband, daughter and guests of Rep.-elect Reeves. Carey Rodd, husband of Rep.-elect Rodd. Velda Ruffner, wife of Rep.-elect Ruffner. Ronald Rush, Norma Perkins, Gail Perkins, T. Ann York, Sandra Martin and Nancy Devoe, husband, mother, sister-in-law and guests of Rep.-elect Rush. Retired Senior Master Chief Petty Officer Jack Salts, Judy and Richard Salts, father, mother and brother of Rep.-elect Salts. Victor Schulze, Jr., husband of Rep.-elect Schulze. Jillianne Girard, Jessy-Lyn and Jennilee Shaw, the daughters of Rep.-elect Shaw. Sharron Smith, wife of Rep.-elect Edwin Smith. Edith K. Sova, wife of Rep.-elect Sova. Susan Spiess, wife of Rep.-elect Spiess. Connie Stone, wife of Rep.-elect Stone. Eleanor Swindlehurst, wife of Rep.-elect Swindlehurst. Barry Hoffman, Consular General of Pakistan, Nusrat and Adeel Tahir, Dorothy Seay, and Shirley Claremont, guests of Rep.-elect Tahir. Juna Titcomb, guest of Rep. Douglass Teschner. Melissa, Alysha and Andrew Torressen and Joe and Nancy Hart, wife, son, daughter and in-laws of Rep.-elect Torressen. Nermana Bajramovic of Bosnia, the guest of Rep.-elect Weatherspoon. Purr Whalley, wife of Rep.-elect Whalley. Ruth Ann Williams, wife of Rep.-elect Burton W. Williams. Loa Winter, wife of Rep.-elect Winter. Cynthia and Seth Woodward and Vicky Ayer, wife, son and sister of Rep.-elect Woodward. Tom Veinote, guest of the Pembroke and Allenstown Delegation.

### OATH OF OFFICE

The Governor, Jeanne Shaheen, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Thomas Colantuno and Councilor-elect David K. Wheeler. The members-elect, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution of the State of New Hampshire.

The Governor and Executive Councilors retired.

### ELECTION OF HOUSE SPEAKER

Reps. Chandler and Burling moved that the rules of the 2000 House of Representatives, in conjunction with the proposed ground rules, shall be the rules of the elections by the House and the Joint Convention.

Adopted.

The Chair declared that nominations for Speaker were in order.

Rep. Alciere placed the name of Rep. Jacobson in nomination for Speaker. Rep. Betty Hall seconded the nomination.

Rep. Jacobson accepted the nomination.

Rep. Martha Fuller Clark placed the name of Rep. Burling in nomination for Speaker. Rep. Buckley seconded the nomination.

Rep. Hager placed the name of Rep. Chandler in nomination for Speaker. Reps. Weyler, Hess and Mock seconded the nomination.

There being no further nominations, the Chair declared nominations closed.

After the nominations were closed, the Chair, at the request of the candidates, named Reps. David Cote and Foster as tellers for Rep. Burling; Reps. Dokmo and Flanagan as tellers for Rep. Chandler; Reps. Fields and Gilmore as tellers for Rep. Jacobson and Reps. Konys and Kurk as tellers as appointed by the Chair.

### RECESS

(Clerk in the Chair)

### FIRST BALLOT

Of the 385 votes cast, 193 votes were needed for election. Rep. Burling received 121 votes, Rep. Chandler received 230 votes, Rep. Jacobson received 33 votes. One ballot was cast for a non-candidate. The Chair declared Rep. Chandler the duly elected Speaker of the House.

Rep. Burling moved that the vote for Rep. Chandler be made unanimous. Rep. Jacobson seconded the motion.

Adopted.

The Sergeant-at-Arms escorted Speaker Chandler, his wife Nancy and his mother, Mrs. Flora Jones, to the rostrum.

### **(Speaker Chandler in the Chair)**

Speaker Chandler addressed the House.

Rep. Burling moved that the remarks made by the Speaker be printed in the Journal.  
Adopted.

### **REMARKS**

Speaker Chandler: Thank you very much. Someone said I was supposed to say something. I said, "You really think I really need to?" They said, "Yes." So, a couple of members asked if I was going to keep them very long and I said, "It won't be from anything I'd say, that's for sure." But, thank you very, very much. This is indeed a very great honor you have bestowed upon me. I will do my best to perform the job of Speaker in a manner that represents the dignity of the institution and the respect that should be accorded to all of the members.

I would especially like to thank my family members and friends who made the trek here today and are in the gallery and here beside me. Thank you. I have special thanks to my mother, Flora, who I owe a lot of this as being one of the most political people I know, certainly; and my father, Earl, who was unable to be here today but as a past member sends along his best wishes, especially to some of you who served with him before — Rep. Johnson, Holbrook and others. So, I'm sure he's here or watching, maybe, on television at least. I need to also give special thanks to my wife, Nancy, for all of her help, especially with my e-mail, who while agreeing last winter to support my effort to become Speaker might have had a change of heart had she known what we were getting into. I can surely tell you that I would not have wanted to live with me over the past few months, so I very much appreciate her patience.

I would also like to thank all of my worthy competitors. As was mentioned in a couple of the speeches, it is truly a testament to our great state that so many well-qualified individuals were willing to put their names on the line and give all of you a choice. I look forward to meeting our challenges with all of their cooperation.

Throughout my campaign, and to the disbelief of some, I have stated that I had not and would not make any promises or assign any positions to anyone until, and if, I was elected. I stand here today and tell you that is still true. Decisions with regard to the various positions, committee assignments, the all important parking and seating assignments will be made within the next few days and with the leader of the Democratic party, and members will be notified as soon as possible. We will be faced with many important issues during the next two years and with all of your help, we will meet these challenges.

Again, thank you for the honor of being your Speaker. I look forward to working with all of you.  
Thank you.

### **ELECTION OF HOUSE OFFICERS**

The Speaker declared nominations were in order for Clerk and Sergeant-at-Arms.

Rep. Welch placed in nomination the name of Karen O. Wadsworth for Clerk.

Rep. John M. Pratt seconded the nomination.

There being no further nominations, the chair declared nominations closed and instructed the Clerk to cast one ballot for Karen O. Wadsworth and declared Karen O. Wadsworth elected Clerk.

Rep. Babson placed in nomination the name of Rob Johnson for Sergeant-at-Arms.

Rep. Phinizy seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Rob Johnson and declared Rob Johnson elected Sergeant-at-Arms.

### **RESOLUTION**

Reps. Kennedy and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Adopted.

## SENATE MESSAGES

The Senate has met and organized and has elected as its officers: Sen. Arthur P. Klemm, Jr., President; Gloria Randlett, Clerk; Tammy Wright, Assistant Clerk; and Henry Wilson, Sergeant-at-Arms. The Senate is ready to meet in joint convention for the purpose of electing the Secretary of State and the State Treasurer.

## JOINT CONVENTION (Speaker Chandler presiding)

The Speaker called the joint convention to order.

The Chair declared nominations were in order for Secretary of State.

Rep. Teschner placed the name of William M. Gardner in nomination for Secretary of State. Sens. D'Allesandro and Barnes and Rep. Stritch seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared Mr. Gardner duly elected Secretary of State.

The Chair declared nominations were in order for State Treasurer.

Rep. Leo W. Fraser, Jr. placed the name of Georgie A. Thomas in nomination for State Treasurer. Sen. Gordon seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Ms. Thomas.

The Chair declared Ms. Thomas duly elected State Treasurer.

Rep. Hager and Sen. Hollingworth escorted Mr. Gardner and Ms. Thomas to the rostrum.

The Chair administered the oath of office to Mr. Gardner, Ms. Thomas, Ms. Wadsworth and Mr. Johnson.

Mr. Gardner and Ms. Thomas addressed the Joint Convention.

Sen. Francoeur and Rep. Horton moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

Reps. Herman and Burling offered the following:

## HOUSE RESOLUTION NO. 1

RESOLVED, that the House adopt the rules of the 2000 legislative session and providing that house rules may be amended by a majority vote of the house on or before January 25, 2001.

Adopted.

Reps. Hess and Burling offered an amendment to House Rules.

## Amendment (0002h)

Amend the introductory paragraph of House Rule 30 to read as follows:

30. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than [22] ~~23 members~~ ~~except the Committee on Finance will consist of not more than 29 members~~; Children and Family Law; Commerce; Criminal Justice and Public Safety; Education; Election Law; Environment and Agriculture; Executive Departments and Administration; Finance; Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Works and Highways; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations and Veterans Affairs; Transportation; *Ways and Means*; and Wildlife and Marine Resources.

Amend House Rule 30(h) to read as follows:

(h) It shall be the duty of the Committee on Finance to examine and consider the state of the treasury; to consider the budget, subjects concerning the financial interest of the state, all measures carrying appropriations of state money, except claims against the state; ~~all bills and~~



resolutions relating to raising money by a state tax and the apportionment of same and all other methods for raising revenue for the state,] and such other matters as may be referred to it. Prior to the report of the Finance Committee to the House, the Speaker may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation. ~~[The Committee on Finance shall report to the house in the form of a resolution its estimates of state revenues on a periodic basis.]~~

Amend House Rule 30 by replacing all after paragraph (s) with the following:

(t) It shall be the duty of the Committee on Ways and Means to examine and consider the state of the treasury; to consider and report on all bills and resolutions relating to raising money by a state tax and the apportionment of same, state fees, and all methods of raising revenue for the state; and such other matters as may be referred to it. The Committee on Ways and Means shall report to the House in the form of a resolution its estimates of state revenues on a periodic basis.

(u) It shall be the duty of the Committee on Wildlife and Marine Resources to consider all matters concerning conservation, improvement and preservation of fish, game and non-game species and marine resources within the state; and such other matters as may be referred to it.

Amend House Rule 46 by replacing it with the following:

46.(a) All bills and joint resolutions appropriating state money shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Finance. All bills and joint resolutions affecting state revenues may, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Finance. If such bills have been referred to the Committee on Finance after report by another standing committee, the Committee on Finance may report separately and no further hearings shall be required by the Committee on Finance. Hearings on bills assigned to the Committee on Finance may at the discretion of the chairman be assigned to and held by the division of the committee to which the bill is assigned and no further hearing may be required.

(b) All bills and resolutions affecting state fees shall, if approved by the House when reported from the appropriate policy committee, be referred to the Committee on Ways and Means

(c) All bills and resolutions addressing licensure and/or certification shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Executive Departments and Administration for a further report on the effect of the passage of such a bill or resolution. All those bills requiring agencies to adopt rules pursuant to RSA 541-A shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Executive Departments and Administration for a further report on the effect of the passage of such bill or resolution on rulemaking pursuant to RSA 541-A.

(d) All bills and resolutions affecting criminal penalties, if approved by the House when reported by the appropriate policy committee, shall be referred to the Committee on Criminal Justice and Public Safety.

(e) The chairmen of committees receiving a bill or referral as outlined in this rule with the approval of the Speaker may decline the referral of any bill from another committee or, notwithstanding the provisions of Rule 43 (a), waive the public hearing on any bill referred from another committee.

Amend House Rule 47 to read as follows:

47. Any budget bill reported by the Committee on Finance shall contain a balanced spending plan. In the second-year session, the Committee on Finance shall hold hearings on proposed changes to the State spending plan for the current biennium and may submit a supplemental budget bill. *The Committee on Finance shall work closely in cooperation with the Committee on Ways and Means at mutually agreed periodic times in determining the state income available for budget purposes.*

Amend House Rule 64 by replacing it with the following:

64. Legislative action in the first-year session shall be subject to the following deadlines:

December 22, 2000, Friday, by 3:00 p.m.	Last day to file LSRs with complete information.
January 19, 2001, Friday	Last day to sign-off all bills with fiscal notes.
January 26, 2001, Friday	Last day to sign-off all other house bills.
February 8, 2001, Thursday	Last day to introduce all bills.

Rep. Hess spoke in favor and yielded to questions. Rep. Burling and Weyler spoke in favor.  
Adopted.



Reps. Whalley and Nordgren offered the following:

### **HOUSE RESOLUTION NO. 2**

RESOLVED, that action taken at all sessions of the house of representatives be recorded on tapes through the public address system, and that the tapes be used by the clerk to confirm and correct the permanent journal. The permanent journal as prepared by the clerk and as may be corrected by the house shall be the official record of the house.

Adopted.

Reps. Clegg and Buckley offered the following:

### **HOUSE RESOLUTION 3**

RESOLVED, that the following policy be established for the distribution of house calendars and journals, bills, and resolutions to the general public, not to include members of the general court and state departments:

1. Every person is entitled, free of charge, to one copy of any publication at the legislative counter, or to have the publication mailed to that person upon individual request for one such copy.
  2. Persons requesting copies of all publications for the entire session will be charged a fee sufficient to cover postage, envelopes, and handling. Such fees may be prorated when service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.
  3. All fees charged for publications in accordance with this resolution shall be fixed with the approval of the speaker, paid into the state treasury, and credited to the legislative appropriation.
- Adopted.

Reps. Scanlan and Konys offered the following:

### **HOUSE RESOLUTION 4**

RESOLVED, that members will be paid their legislative salaries, as provided in the constitution, in the month of January 2000; and

That mileage of members of the house be paid every 2 weeks during the session.

Adopted.

### **RESOLUTION**

Rep. Robert A. Johnson offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of resolutions be by caption only and that all resolutions ordered to third reading be read a third time by this resolution, and that all titles of resolutions be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 3, 2001.

Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

*HR 1*, relative to adopting the rules of the 2000 session.

*HR 2*, relative to recording House sessions and the permanent journal.

*HR 3*, relative to the distribution of House publications.

*HR 4*, relative to legislative salary and mileage payments.

### **RECESS MOTION**

Rep. Francoeur moved that the House stand in recess.

Adopted.

The House recessed at 4:30 p.m.

### **RECESS**

### **APPOINTMENTS**

The Speaker made the following appointments:

Deputy Speaker, Michael D. Whalley

Assistant Deputy Speaker, Keith R. Herman

Speaker Pro Tempore, Robert E. Clegg, Jr.  
Majority Leader, David M. Scanlan  
Deputy Majority Leader, David W. Hess  
Majority Whip, Sheila T. Francoeur  
Democratic Leader, Peter H. Burling

The Democratic Leader made the following appointments:  
Deputy Democratic Leader, Sharon L. Nordgren.  
Democratic Whip, Raymond Buckley  
Deputy Democratic Whip, Christine M. Konys

RECESS

(Speaker Chandler in the Chair)

The Speaker appointed Standing Committees of the House as follows:

CHILDREN & FAMILY LAW

REPUBLICANS

Dowling, Patricia A., Chairman  
Lyman, L. Randy, Vice Chairman  
Arnold, Thomas I., Jr.  
Bickford, David A.  
Hutchinson, Karen K  
Moran, Edward P., Jr.  
Greenberg, Gary C.  
Bouchard, David M.  
Itse, Daniel C.  
Furman, Christine M.  
Gargas, Carolyn M.  
Gonzalez, Carlos E.  
McHugh, Claire B.  
Palermo, Diane  
Seibel, Christopher J.

DEMOCRATS

Pratt, Irene A.  
Allison, David C.  
Richardson, Barbara Hull  
Johnson, Lionel W.  
Grassie, Anne C.  
Pantelakos, Laura C.  
Ginsburg, Ruth  
Gile, Mary Stuart

COMMERCE

REPUBLICANS

Hunt, John B., Chairman  
Fraser, Leo W., Jr., Vice Chairman  
Francoeur, Sheila T.  
Tsiros, William  
Belanger, Ronald J.  
Avery, Stephen G.  
Kenney, Joseph D.  
Langley, Jane S.  
DiFruscia, Anthony R.  
Marshall, Gene B.  
Quandt, Marshall E.  
Flanders, Donald H.  
Spiess, Paul D.

DEMOCRATS

Clark, Martha Fuller  
Crosby, Toni M.  
Russell, Ronald G.  
Reardon, Tara G.  
Taylor, Kathleen N.  
Keye, Harvey  
Batchelder, Robert C.

CRIMINAL JUSTICE & PUBLIC SAFETY

REPUBLICANS

Welch, David A., Chairman  
Tholl, John E., Jr., Vice Chairman  
Sargent, Maxwell D.  
Flora, Kathleen M.  
Mikowski, Walter J.  
Fesh, Bob M.  
Jones, Constance A.

DEMOCRATS

Knowles, William V.  
Berube, Roger R.  
O'Keefe, Patricia M.  
Callaghan, Frank D.  
Rodd, Beth  
Splaine, James R.  
Movsesian, Lori A.

Kennedy, Richard E.  
 Lessard, Rudy  
 Kelley, William J.  
 Gilbert, Karl I.  
 Nedeau, Stephen H.  
 Stevens, Stanley E.

## EDUCATION

### REPUBLICANS

Henderson, Warren C., Chairman  
 Ward, Brien L., Vice Chairman  
 Dearborn, Bruce L.  
 Flint, Gordon B.  
 Davis, Perley E.  
 Alger, John, R.M.  
 Cox, Russell N.  
 Sullivan, P. Judith  
 Rabideau, Marie N.  
 Carson, Sharon M.  
 Colcord, J. D.  
 Sova, Charles E.  
 Winter, Steven J.

### DEMOCRATS

Yeaton, Charles B.  
 Snyder, Clair A.  
 Jean, Claudette R.  
 Estabrook, Iris W.  
 White, John M.  
 Clarke, Claire D.  
 Naro, Debra A.

## ELECTION LAW

### REPUBLICANS

Arndt, Janet S., Chairman  
 Stritch, C. Donald, Vice Chairman  
 Flanagan, Natalie S., Honorary Chairman  
 Horton, Lynn C.  
 Desrosiers, William J.  
 Clegg, Robert E., Jr.  
 Davis, Francis W.  
 Reeves, Sandra J.  
 Nowe, Ronald J.  
 Pappas, Marc P.  
 Teschner, Douglass P.  
 Bragdon, Peter E.  
 Drisko, Richard B.

### DEMOCRATS

Clemons, Jane A.  
 Buckley, Raymond  
 Weatherspoon, Jacquelyne K.  
 Rollo, Michael S.  
 Hughes, Christopher L.  
 Kacavas, John P.  
 Panagopoulos, Nicholas T.

### LIBERTARIAN

Vaillancourt, Steve

## ENVIRONMENT & AGRICULTURE

### REPUBLICANS

Musler, George T., Chairman  
 Babson, David L., Jr., Vice Chairman  
 Messier, Irene M.  
 Pratt, Leighton C.  
 Philbrick, Donald R.  
 Dunlap, Patricia C.  
 Cobb, John S.  
 Brewster, Richard P.  
 O'Connell, Timothy D.  
 Alciere, Tom  
 Dunne, Christopher H.  
 Swindlehurst, John R.  
 Williams, Burton W.

### DEMOCRATS

Owen, Derek  
 Hall, Betty B.  
 Melcher, Harold P.  
 Phinizy, James  
 Robb, Amy E.  
 Solow, Martha S.  
 Allen, Peter H.

**EXECUTIVE DEPARTMENTS & ADMINISTRATION****REPUBLICANS**

Petersen, Andrew R., Chairman  
 Dyer, Merton S. Vice Chairman  
 Langer, Ray F.  
 Goulet, Maurice E.  
 Hamel, Albert W.  
 Poulin, David  
 Zolla, William R.  
 Dodge, Robert K.  
 Allan, Nelson S.  
 Cummings, Raymond C.  
 Dexter, Judson K.  
 Hall, Charles Q.  
 Robertson, Carl G.

**DEMOCRATS**

Lent, Donald R.  
 Landers, Dana L.  
 Brennan, William P.  
 Andosca, Mary L.  
 Clayton, William K.  
 Pawlek, Marion T.  
 Schulze, Joan H.

**FINANCE****REPUBLICANS**

Kurk, Neal M., Chairman  
 Weyler, Kenneth L., Vice Chairman  
 Holbrook, Robert G.  
 Johnson, Robert A.  
 Thulander, O. Alan  
 Stone, Joseph E.  
 LaRose, Richard J.  
 Anderson, Eric  
 Wendelboe, Fran  
 Hager, Elizabeth S.  
 Mercer, Robert S.  
 Emerton, Lawrence A., Sr.  
 Wheeler, Robert L.  
 Rodeschin, Beverly T.  
 Johnson, Rogers J.

**DEMOCRATS**

Wallner, Mary Jane  
 Smith, Marjorie K.  
 Moore, Carol F.  
 Foster, Linda T.  
 Dwyer, Paul J., Sr.  
 Blanchard, Mary Ann N.  
 Coes, Betsy A.  
 Mitchell, McKim W.

**HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS****REPUBLICANS**

Batula, Peter L., Chairman  
 Martel, Andre A., Vice Chairman  
 Chabot, Robert F.  
 Manning, Joseph P.  
 Case, Margaret A.  
 Katsakiores, Phyllis M.  
 Feuerstein, Martin  
 Pilliod, James P.  
 Dalrymple, Janeen  
 Wendelboe, Fran  
 Ruffner, Walter D.  
 Millham, Alida I.  
 MacKay, James R.  
 Emerson, Susan

**DEMOCRATS**

Burnham, Daniel M.  
 Kane, Cecelia D.  
 French, Barbara C.  
 Seldin, Gloria  
 Micklon, Stephanie K.  
 Harris, Sandra  
 Sokol, Hilda W.

**JUDICIARY****REPUBLICANS**

Mock, Henry P., Chairman  
 Jean, Loren J., Vice Chairman  
 Jacobson, Alf E.

**DEMOCRATS**

Wall, Janet G.  
 Pratt, John M.  
 Craig, James W.

Bergin, Peter F.  
 Rowe, Robert E.  
 Ford, Nancy M.  
 Dudley, Terri C.  
 Soltani, Tony F.  
 Woods, Phyllis L.  
 Rice, Thomas, Jr.  
 Leishman, Peter R.  
 Elliott, Larry G.  
 Reid, Christopher P.

Wood, Jane  
 Potter, Frances  
 Espieffs, Peter S.  
 Franklin, Peter E.

### LABOR, INDUSTRIAL & REHABILITATIVE SERVICES

#### REPUBLICANS

Gilman, G. Michael, Chairman  
 Bridle, Russell D., Vice Chairman  
 Clegg, Robert E., Jr.  
 Bishop, Franklin C.  
 Christiansen, Lars T.  
 Putnam, Ed M. II  
 Torressen, Gary P.  
 Whittier, John M.  
 Nowe, Ronald J.  
 Corbin, Corey E.  
 Holden, Randolph  
 Woekel, Ralph F.  
 Kelley, Jane P.

#### DEMOCRATS

Mears, Edgar H.  
 Baroody, Benjamin C.  
 Goley, Jeffrey P.  
 McCarthy, Gerald R.  
 Palangas, Eric  
 Proulx, Raymond E.  
 Trueman, Raymond E.

### LEGISLATIVE ADMINISTRATION

#### REPUBLICANS

Horton, Lynn C., Chairman  
 Goulet, Maurice E., Vice Chairman  
 Herman, Keith R.  
 Scanlan, David M.  
 Calawa, Leon, Jr.  
 Nowe, Ronald J.  
 Katsakiores, George N.  
 Bergin, Peter F.  
 Leber, William E.  
 Philbrick, Donald R.  
 Brown, Julie M.  
 Boyce, Laurie J.  
 Hutchinson, John D.

#### DEMOCRATS

Nordgren, Sharon L.  
 Burling, Peter H.  
 DePecol, Benjamin J.  
 Pelletier, Marsha L.  
 Salatiello, Thomas B.  
 Pelletier, Arthur J.  
 Courchesne, Judy A.

### MUNICIPAL & COUNTY GOVERNMENT

#### REPUBLICANS

Patten, Betsey L., Chairman  
 Leone, Richard C., Vice Chairman  
 Brundige, Robert W.  
 Griffin, Mary E.  
 Akins, Ralph  
 Lockwood, Priscilla P.  
 Dokmo, Cynthia J.  
 Dionne, Kimberley O.M.  
 Eaton, Richard S.  
 Fairbanks, Chandler V.  
 Giordano, Ronald A.  
 Lachance, Douglas A.  
 Twombly, James E.

#### DEMOCRATS

Johnson, Nancy K.  
 Fraser, Marilyn A.  
 Bellavance, Paul C.  
 Cooney, Mary R.  
 Goodwin, Earle  
 Scovner, Nancy

**PUBLIC WORKS & HIGHWAYS****REPUBLICANS**

Smith, Edwin O., Chairman  
 Calawa, Leon, Jr., Vice Chairman  
 Whittemore, James A.  
 Leber, William E.  
 Morse, Charles W.  
 Gleason, John P.  
 Guay, Lawrence J.  
 Moore, Benjamin E.  
 Graham, John A.  
 Holland, James E., Jr.  
 Rausch, James B.  
 Rozek, Michael J.  
 Tahir, Saghir  
 Edwards, Dana

**DEMOCRATS**

Cloutier, John R.  
 DeChane, Marlene M.  
 Daigle, Robert A.  
 Daneault, Gabriel J.  
 Bouchard, Candace C.W.  
 Shultis, Elizabeth C.  
 Benn, Bernard

**RESOURCES, RECREATION & DEVELOPMENT****REPUBLICANS**

Royce, H. Charles, Chairman  
 Lawton, David M., Vice Chairman  
 Cooney, Richard T.  
 Roberts, William E.  
 Fields, Dennis H.  
 Czech, Stanley E.  
 Gallus, John T.  
 Russell, David H.  
 Bruno, Pierre W.  
 Christensen, D.L. Chris  
 Dewhirst, Glenn E.  
 Odell, Bob  
 Quimby, Lee W.

**DEMOCRATS**

Spang, Judith T.  
 Williams, Carol Ann  
 Lefebvre, Roland J.  
 Lovett, Sid  
 Zerba, Roger  
 McGuire, Robert M.  
 Rush, Deanna P.

**RULES****REPUBLICANS**

Chandler, Gene G., Chairman  
 Whalley, Michael D., Vice Chairman  
 Herman, Keith R.  
 Clegg, Robert E., Jr.  
 Scanlan, David M.  
 Hess, David W.  
 Francoeur, Sheila T.  
 Flanders, John W., Sr.  
 Milligan, Robert H.  
 Packard, Sherman A.  
 Jones, Constance A.  
 Rowe, Robert H.

**DEMOCRATS**

Burling, Peter H.  
 Nordgren, Sharon L.  
 Buckley, Raymond  
 Konys, Christine M.  
 Clark, Martha Fuller  
 Cote, David E.

**SCIENCE, TECHNOLOGY & ENERGY****REPUBLICANS**

Bradley, Jeb E., Chairman  
 Thomas, John H., Vice Chairman  
 Ham, Bonnie D.  
 White, Donald B.  
 Maxfield, Roy D.  
 Bouldin, Michael  
 Gabler, William W.

**DEMOCRATS**

Norelli, Terie T.  
 Lynde, Harold V.  
 Pitts, Jacqueline A.  
 Kaen, Naida L.  
 Gilmore, Gary R.  
 Meader, David R.  
 Harris, Joseph D.



Golding, William M.  
 Harrington, Michael D.  
 Introne, Robert E.  
 Leach, Edward R.  
 Sloan, Stephen E.  
 Thompson, Rob R.

## STATE-FEDERAL RELATIONS & VETERANS AFFAIRS

### REPUBLICANS

Avery, Stephen G., Chairman  
 Coughlin, Pamela D., Vice Chairman  
 Fields, Dennis H.  
 Priestley, Anne K.  
 Pepino, Leo P.  
 Reardon, Neil J.  
 Albert, Russell A.  
 Guinta, Frank C.  
 Hill, Jonathan E.  
 LaFlamme, Paul G., Jr.  
 Power, Lucille V.  
 Saia, Pamela L.  
 Salts, Greg A.  
 Quandt, Matthew

### DEMOCRATS

Drabinowicz, A. Theresa  
 McDonough-Wallace, Alice T.  
 Heon, Richard F.  
 Rodrigue, Robert R.  
 Patria, Bonnie  
 Shaw, Barbara  
 Sweeney, Cynthia P.

## TRANSPORTATION

### REPUBLICANS

Packard, Sherman A., Chairman  
 Flanders, John W., Sr., Vice Chairman  
 Katsakiores, George N., Honorary Chairman  
 Bartlett, Gordon E.  
 Milligan, Robert H.  
 Kobel, Rudolph J.  
 Letourneau, Robert J.  
 Cossette, Larry J.  
 Rosen, Ralph J.  
 Artz, Lawrence A.  
 Balcom, Jon L.  
 Bergeron, Jean-Guy J.  
 Chalbeck, Kevin R.

### DEMOCRATS

Cardin, Lori  
 Cote, Peter R.  
 Haley, Robert J.  
 Duval, Jeffrey  
 Ferland, Brenda L.  
 Weed, Charles  
 Woodill, Rodney J.

## WAYS & MEANS

### REPUBLICANS

Alukonis, David J., Chairman  
 Major, Norman L., Vice Chairman  
 Clark, Vivian R.  
 Dickinson, Howard C.  
 McRae, Karen K.  
 Eaton, Stephanie  
 Hess, David W.  
 Langone, John S.  
 Pappas, Marc P.  
 Sapareto, Frank V.  
 Camm, Kevin L.  
 Gilbert, Jeff  
 Giuda, Robert J.

### DEMOCRATS

Kony, Christine M.  
 Cote, David E.  
 Almy, Susan W.  
 Bradley, Paula E.  
 Downing, Michael W.  
 Lasky, Bette R.  
 McGuirk, Paul A.

**WILDLIFE & MARINE RESOURCES****REPUBLICANS**

McKinney, Betsy, Chairman  
Woodward, David S., Vice Chairman  
L'Heureux, Robert  
Carlson, Donald  
Fletcher, Richard E.  
Tate, Joan C.  
Mirski, Paul M.  
Varrell, Thomas A.  
Balboni, Michael A.  
Barker, Robert R.  
Hopper, Gary S.  
L'Heureux, Stephen  
Souza, Kathleen  
Stohl, Eric G.

**DEMOCRATS**

Gorman, Mary J.  
Martin, Mary Ellen  
Ferland, Paul A.  
Greco, Vincent E.  
Johnson, William  
Lambert, Bernard  
Perkins, Randy J.

**RECESS****(Speaker Chandler in the Chair)**

Rep. Whalley moved that the House adjourn.  
Adopted.



## HOUSE JOURNAL No. 2

Wednesday, January 3, 2001

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator, we give You thanks for bringing us safely to this new year. We ask Your blessing upon our beloved New Hampshire, and this honorable House. Guide with the light of Your Spirit the work and decisions that are accomplished here. Support and defend each legislator who gives of their time and energy to promote the cause of civil democracy on behalf of their constituents. Also, as we begin this new term, we give thanks for the men and women who work diligently behind the scenes to support the work of this House. We also give heartfelt thanks to the men and women of our state who promote and defend the public safety of our communities. In particular, we ask Your blessing upon all law enforcement officers who daily risk their lives to protect our neighbors and to defend the constitution which secures our freedoms. Amen.

Rep. Seibel led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Cecelia Kane, Flanagan, Donald Flanders, Lefebvre, Palermo and Whittemore, the day, illness. Reps. Bishop, Bouldin, Bridle, Martha Fuller Clark, Dewhirst, Marilyn Fraser, Jeff Gilbert, Marsha Pelletier, Reeves, Rodrigue, Ruffner, Ward and Carol Ann Williams, the day, important business. Reps. Ford and Priestley, the day, illness in the family.

### INTRODUCTION OF GUESTS

Dr. Louis Rozek, father of Rep. Rozek.

### COMMUNICATION

December 20, 2000

Karen Wadsworth, Clerk of the House

The following representatives-elect were sworn into office at the Governor and Executive Council meeting on this day:

Belknap 7, Glenn E. Dewhirst, r, Laconia (1061 Union Avenue) 03246

Carroll 7, Stanley E. Stevens, r, Wolfeboro (PO Box 613) 03894

Hillsborough 26, Ruth Ginsburg, d, Nashua (6 Dover Street) 03063

Hillsborough 31, Jane A. Clemons, d, Nashua (177 Kinsley Street) 03060

Hillsborough 31, Roland J. Lefebvre, d, Nashua (19 Dane Street) 03060

Hillsborough 42, Michael Bouldin, r, Manchester (149 Glory Drive) 03109

Merrimack 9, Priscilla Parmenter Lockwood, r, Canterbury (435 North West Road) 03224

Rockingham 22, Ralph F. Woelkel, r, Hampton (6 Blake Lane) 03842

Karen H. Ladd, Assistant Secretary of State

### COMMUNICATION

January 3, 2001

Karen Wadsworth, Clerk of the House

The following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Carroll 6, Joseph D. Kenney, r, Wakefield (PO Box 263, Sanbornville) 03872

Cheshire 14, Benjamin J. DePecol, d, Keene (74 Kelleher Street) 03431

Grafton 10, Hilda Weyl Sokol, d, Hanover (6 Storrs Road) 03755

Grafton 10, Martha S. Solow, d, Hanover (11 Rayton Road) 03755

Hillsborough 43, Robert J. Haley, d, Manchester (147 Beech Street) 03101

Hillsborough 47, Judy A. Courchesne, d, Manchester (282 Conant Street) 03102

Strafford 18, Patricia C. Dunlap, r, Rochester (192 North Main Street) 03867

Karen H. Ladd, Assistant Secretary of State

RESOLUTION

Reps. Scanlan and Burling offered the following:  
RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.  
Adopted.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

JOINT CONVENTION  
(Speaker Chandler presiding)

RESOLUTION

Rep. Scanlan and Sen. Francoeur offered the following:  
RESOLVED, that the Honorable Deputy Secretary of State be requested to lay before the Joint Convention the return votes for Governor and Executive Council.  
Adopted.  
Robert P. Ambrose, Deputy Secretary of State, appeared before the Joint Convention and laid before the Joint Convention the return of votes for Governor and Executive Council cast in the General Election held November 7, 2000 as follows:

FOR GOVERNOR

	Shaheen, d	Humphrey, r	Brown, i	Babiarz, l
Belknap	11,944	12,980	1,664	208
Carroll	10,363	11,691	1,260	288
Cheshire	17,734	12,554	2,245	478
Coos	7,011	6,470	896	156
Grafton	18,425	17,030	2,066	609
Hillsborough	78,522	75,067	9,523	1,763
Merrimack	33,571	24,479	4,766	677
Rockingham	61,247	60,837	8,743	1,395
Strafford	28,044	17,234	3,326	620
Sullivan	<u>8,127</u>	<u>8,610</u>	<u>1,415</u>	<u>252</u>
TOTALS	275,038	246,952	35,904	6,446

C. Jeanne Shaheen, having a plurality of votes, was elected.

FOR EXECUTIVE COUNCILORS

First District

Raymond S. Burton, r	81,462
Rosalie Babiarz, l	<u>15,896</u>
Plurality for Burton	65,566

Second District

Peter J. Spaulding, r	58,461
Jeff Woodburn, d	<u>44,945</u>
Plurality for Spaulding	13,516

Third District

Ruth L. Griffin, r	82,924
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Fourth District

Thomas Colantuono, r	56,532
Steve Johnson, d	<u>39,806</u>
Plurality for Colantuono	16,726

Fifth District

David Wheeler, r	55,314
Keith A. Regli, d	<u>44,064</u>
Plurality for Wheeler	11,250

## RESOLUTION

Rep. Scanlan and Sen. Francoeur offered the following:

RESOLVED, that the vote for Governor and Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

The Chair appointed Reps. Flanagan, Horton and Robert A. Johnson and Sens. Roberge and D'Allesandro.

Adopted.

Sen. Francoeur and Rep. Scanlan moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## (Speaker Chandler in the Chair)

## AMENDMENT TO HOUSE RULES

Reps. Scanlan and Burling offered an amendment to House Rules.

## Amendment (0004h)

Amend House Rules 1 and 2 to read as follows:

1. The Speaker shall take the chair at precisely the hour to which the House has adjourned and shall immediately call the members to order. ~~[Members shall take their seats and shall activate their voting stations immediately. When they leave their seats for any reason they shall deactivate their stations.]~~

2. The Speaker shall preserve decorum and order, may speak on points of order in preference to other members, and shall decide questions of order ~~[subject to an appeal to the House by any two members. The appeal shall be decided by a majority vote of those members present and voting].~~ *The decision of the Speaker on a question of order shall be conclusive unless the decision is immediately appealed to the House. The House shall decide the appeal by a majority vote of those members present and voting.*

Amend House Rule 4 to read as follows:

4. The Speaker shall refer all bills, resolutions, memorials, petitions, accounts, and other matters coming before the House to the appropriate committees, unless otherwise ordered by the House. ~~[Upon recommendation of the Committee on Rules.]~~ The Speaker may refer the same jointly to two committees or to a special committee.

Amend House Rule 6 to read as follows:

6. The Speaker shall sign all bills, resolutions, and addresses after passage *or enrollment*. All warrants, subpoenas and other processes issued by order of the House shall be signed by the Speaker and attested to by the Clerk.

Amend House Rules 8 and 9 to read as follows:

8. ~~[The Speaker shall sign all bills after enrollment in both bodies.~~

9.] The Speaker shall have power to substitute any member to perform the duties of the Chair. If absent, the Speaker shall designate a member to perform the duties of the Chair unless otherwise ordered by the House.

*9. When the House is called to order, members shall take their seats and shall activate their voting stations immediately. When they leave their seats for any reason they shall deactivate their stations.*

Amend House Rule 10 to read as follows:

10. In all cases not provided for by the Constitution, House Rules or Joint Rules, *Mason's Manual of Legislative Procedure*, [1989] 2000 Edition, shall be ~~[referred to as]~~ the parliamentary guide.

Amend House Rule 15 to read as follows:

15. If any member transgresses the rules of the House, the Speaker shall, or any member may, call the member to order. The member called to order shall immediately sit down and the question of order shall be distinctly stated ~~[from] by the [Chair. The decision of the Speaker on the question of order shall be conclusive unless the decision is immediately appealed to the House. The House shall decide the appeal by a majority vote of those members present and voting]~~ *Speaker.*

Amend House Rules 17 and 18 to read as follows:

17. (a) The following persons shall be admitted within the door of the Representatives' chamber while the House is in session: House members and officers, the Governor, Council members, Senate members, the Secretary of State, the Treasurer, and the Senate Clerks.

(b) No other person shall be admitted within the door of the Representatives' chamber or anteroom while the House is in session, except with the permission of the [Chair] *Speaker*.

18. Before any petition is received and read, the substance of the petition shall be in concise form, and the name of the [member or] person presenting it [and the member's district] shall be recorded on the petition. The Speaker shall state the substance of the petition.

Amend House Rules 20-22 to read as follows:

20. (a) When any question is under debate, precedence of motions shall be as follows:

- (1) to adjourn;
- (2) to lay on the table;
- (3) for the previous question;
- (4) to postpone to a certain day;
- (5) to commit;
- (6) to amend;
- (7) to postpone indefinitely.

Motions to adjourn, to lay on the table, for the previous question, and to take from the table shall be decided without debate. A motion to postpone to a certain day shall be debatable both as to time and subject matter.

(b) No vote on a motion to lay on the table a Constitutional Amendment Concurrent Resolution shall pass unless approved by an affirmative vote of three-fifths of the entire House membership.

(c) When a question is postponed indefinitely, it shall not be acted on during the same session, unless two-thirds of those members present and voting vote in favor thereof.

(d) ~~On a motion to amend, the refusal by the maker of the amendment to strike out words shall neither preclude amendment to such words nor a motion to strike out and insert.~~

~~(e) A motion for commitment shall preclude all amendments to the main question until it is decided; and all motions and reports may be committed at the pleasure of the House.~~

~~(f) No new motion shall be admitted under color of amendment as a substitute for the motion under debate.~~

21. (a) The Speaker shall put the previous question in the following form: "Shall debate now be limited?" and all debate on the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the House shall forthwith be taken on pending amendments, in their regular order, and then on the main question. ~~[The motion for the previous question shall not be put unless demanded by three members.]~~

(b) All incidental questions of order arising after a motion of the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

(c) If the previous question is decided in the negative, it shall not again be in order for the particular question under consideration until after adjournment, but the main question shall be left before the House and disposed of as though the previous question had not been put.

22. ~~[(a)]~~ There shall be three forms of ~~[putting]~~ *deciding* the question: voice vote, division vote, roll call vote. No member shall vote in any case when the member was not present when the question was put.

~~[(b)]~~(a) The question put by voice vote shall be: "All those in favor of the question say 'aye,'" and after the affirmative vote is expressed, "Those of a contrary opinion say 'no.'"

~~[(c)]~~(b) A division vote shall be taken if the Speaker doubts the voice vote or if a member calls for a division vote. When a division of the House is taken, the Speaker may appoint a teller for each seating division of the House, who shall report to the Chair the state of the vote.

~~[(d)]~~(c) A roll call shall be taken when a member moves for a roll call vote and that motion is seconded by 10 other members. The member requesting the roll call vote and the 10 members who second the motion shall notify the ~~[speaker]~~ *clerk* in writing or shall rise from their seats or otherwise be recognized by the Speaker.

~~[(e)]~~(d) When a division or a roll call is taken, the Speaker shall put the question and open the voting stations for not more than 30 seconds. Each member present at his or her voting station shall press either the YES (Green) or NO (Red) button unless excused by the House for a special reason. After closing the vote, the Speaker shall rise and state the decision of the House.



~~[(f) Any member may call for a division of the question when the sense will admit it.]~~

Amend House Rule 25 to read as follows:

25. ~~[(a)]~~ No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side while the bill or resolution is in the possession of the House. ~~[Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.]~~

~~[(b)]~~(a) Notice of a motion for reconsideration shall be in order only until noon on the next business day after the date that the vote was taken.

~~[(c)]~~(b) Any such notice of reconsideration shall be effective for two legislative days only and thereafter shall be null and void. *The day when notice is served shall be counted as the first legislative day, even if notice occurs while the House is in recess or adjournment.*

~~[(d) The day when notice is served shall be counted as the first legislative day, even if notice occurs while the House is in recess or adjournment.]~~

~~[(e)]~~(c) When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

*(d) Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.*

Amend House Rule 27 to read as follows:

27. All members shall ~~[seasonably and punctually]~~ attend to their duties in the House or committee, and no one shall be absent from the service of the House or committee unless the member has leave, or is sick and unable to attend.

Amend the introductory paragraph of House Rule 30 to read as follows:

30. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than 23 members: Children and Family Law; Commerce; Criminal Justice and Public Safety; Education; Election Law; Environment and Agriculture; Executive Departments and Administration; Finance; *Fish and Game*; Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Works and Highways; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations and Veterans Affairs; Transportation; *and* Ways and Means~~[- and Wildlife and Marine Resources]~~.

Amend House Rule 30 by inserting after paragraph (h) the following new paragraph and renumbering paragraphs (i) – (u) to read as (j) – (v), respectively.

(i) It shall be the duty of the Committee on ~~[Wildlife and Marine Resources]~~ *Fish and Game* to consider all matters concerning conservation, improvement and preservation of fish, game and non-game species and marine resources within the state; and such other matters as may be referred to it.

Amend House Rule 30 by deleting paragraph (v).

Amend House Rule 36(c) to read as follows:

(c) When a bill is ~~[proposed]~~ *requested* by any state agency, the name of the agency ~~[proposing]~~ *requesting* it shall appear in the bill analysis.

Amend House Rules 37 and 38 to read as follows:

37. Every request by a member of the House for drafting a bill, house resolution taking a policy position, concurrent resolution, constitutional amendment-concurrent resolution, or joint resolution other than the general budget or the capital budget bill, *which complies with these Rules*, shall be accepted by the Office of Legislative Services for processing no later than the date specified by Rule 64. Each request shall be accompanied by sufficient information necessary for drafting. This deadline shall not apply to house resolutions which do not propose policy positions. ~~[Such resolutions may be accepted for drafting by the Office of Legislative Services at any time.]~~

38. (a) The sign-off deadlines set by Rule 64 shall supersede the time limits set forth in this Rule.

(b) The sponsor of any legislation shall sign it for introduction within 10 calendar days after the draft legislation is mailed to the sponsor for approval, whether or not the fiscal note has been prepared. If the 10th day falls on a Saturday, Sunday, or holiday, the 10-day period shall expire on the subsequent working day. *The Director of the Office of Legislative Services may withdraw any legislation when the sign-off deadline has not been met.* The sponsor's name shall be published at least once on the "signatures needed" list in the House Calendar within the sign-off period. If the sponsor requests a redraft within the sign-off period, the sponsor shall sign the legislation for

introduction within 10 calendar days after the redraft has been mailed to the sponsor. No more than one redraft per LSR may be requested during the last 10 days prior to the sign off-deadline. The sign-off deadline in section (a) shall supersede the time limits set forth in this section.

(c) If the primary sponsor signs the legislation in time for introduction, but one or more co-sponsors fails to sign, the legislation shall be introduced in the names of those sponsors who have signed. If the primary sponsor fails to sign the legislation in time for introduction, a co-sponsor may become the primary sponsor. If the primary sponsor fails to sign, and no co-sponsor wishes to become the primary sponsor, the legislation may not be introduced ~~[without suspension of this rule]~~.

(d) An LSR may be withdrawn at any time prior to its introduction with the consent of all of its sponsors. A sponsor may request that his or her name be deleted as a sponsor of the bill prior to its introduction.

Amend House Rules 40 and 41 to read as follows:

40. All House Bills, House Joint Resolutions, House Constitutional Amendment Concurrent Resolutions, House Concurrent Resolutions and House Resolutions proposing that the House take a policy position may be introduced at any time prior to any deadline established by the House for their introduction. Exceptions:

(a) Notwithstanding any other provisions of the Rules, a House Bill, House Joint Resolution, House Constitutional Amendment Concurrent Resolution, or House Concurrent Resolution may be introduced into the House at any time prior to the crossover date specified in Rule 64, if approved by either a majority of the Committee on Rules, or a two-thirds vote ~~[on the floor]~~ *of those House members present and voting*; and

(b) House Resolutions proposing that the House take a policy position may be introduced into the House at any time after the deadline for introduction of bills and resolutions if approved by either a majority of the Committee on Rules, or a two-thirds vote ~~[on the floor]~~ *of those House members present and voting*.

41. Every bill, resolution, joint resolution, and concurrent resolution proposing that the House take a policy position shall have three separate readings in the House prior to its passage. The first and second readings and referral to committee shall be by title only which may be accomplished by a ~~[conglomerate] single~~ motion~~[-after which the bill shall be referred by the Speaker to the appropriate committee and shall be printed as provided in Rule 42, unless otherwise ordered by the House]~~. No bill or resolution after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills, resolutions, and joint resolutions shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed.

Amend House Rule 44 to read as follows:

44.(a) All bills in the possession of committees shall be reported out by the date specified in Rule 64 with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, Re-refer to Committee, Inexpedient to Legislate, *or* Refer for Interim Study~~[-or Recommended but to be Laid Upon the Table Because of Funding]~~. Re-refer to Committee shall be a committee report only in the first-year session; Refer for Interim Study shall be a committee report only in the second-year session. The Committee, as its Interim Study final report, shall submit its findings and any recommendations.

(b) All committee reports on bills shall be printed in the House Calendar at least once prior to the date listed for floor action. If a bill is reported favorably with an amendment, the committee report shall describe the bill as amended. The amendment shall be printed in the House Calendar.

(c) If a bill is reported Re-refer to Committee, it shall read Re-refer to Committee for action in the second-year session. The report on a re-referred bill shall contain an explanation of the issue(s) which require(s) review. ~~[Bills]~~ *A bill* which ~~[have been]~~ *was* re-referred ~~[to]~~ *upon recommendation of* the Finance Committee may be referred by the Speaker to the original committee to which it was assigned ~~[when the House adjourned from the first session]~~. All bills re-referred in the first-year session shall be acted on by the third legislative day of the second-year session.

(d) No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of Part I, Article 28-a of the N.H. Constitution. The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Amend House Rule 48(a) to read as follows:

48. (a) There shall be a detailed briefing on the general budget bill presented to the House at least two days before final action is taken on such a bill [~~and, in any event, not later than the deadline established in Rule 64~~].

Amend House Rule 100(j) – (s) to read as follows:

(j) To appoint the chairman *and all members* of all subcommittees [~~and further to appoint the membership of all subcommittees~~];

(k) To assign duties and responsibilities to the vice-chairman of the committee;

(l) To sign all documents which require the chairman's signature;

(m) To arrange for the posting and filing of committee notices;

(n) To supervise and be responsible for the preparation of committee reports and supplements;

(o) [~~To prepare, or supervise the preparation of the agenda for each committee meeting as required by these rules;~~

(~~p~~) To submit requests to the Speaker for [~~interim studies or meetings or travel for committees or subcommittees~~] *committee members' attendance at and travel to off-site meetings*;

(~~q~~)(*p*) To have custody[~~-during the legislative session subject to state statutes;~~] of all legislative documents and reports referred or submitted to the committee *during the legislative session*;

(~~r~~)(*q*) To transmit to the Clerk each legislative document and report which the committee has: 1) reported, or 2) been discharged from considering, or 3) been ordered to report;

(~~s~~)(*r*) To carry out all *other duties as may be* required [~~by law, by action of the House, or by action of the Speaker~~].

Amend House Rules 102 and 103 to read as follows:

102. Excessive [~~Unexcused~~] Absences.

Each committee chairman [~~is authorized to~~] *may* request the Speaker to remove from committee membership any member of the committee whose [~~unexcused~~] absences from committee meetings are judged to be excessive in number.

103. Notice of Executive Sessions.

Notice of all executive sessions at which a recorded vote will be taken shall be given by[~~-(1)~~] notification in the House Calendar at least two days prior to said executive session, and/or (~~2~~) notification by the Chairman of the appropriate committee on the floor of the House.

Amend House Rule 107-110 to read as follows:

107. Roll Call, Recorded Votes Required.

At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall appear in the records of the committee as otherwise provided in these rules. In all roll call votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of members not participating because of a conflict of interest, *or absent* shall be recorded. If a member is present when the question is put, he or she must vote when called unless the member is not participating pursuant to the New Hampshire General Court Ethics Guidelines.

108. Minutes of Meetings Required; Contents.

Minutes of each meeting shall be kept by the committee clerk or under the direction of the clerk and they shall constitute a written record of committee proceedings at such meeting. [~~tn~~] The minutes [~~there~~] shall [~~be entered~~] *contain*:

(a) The time and place of the meeting of the committee;

(b) The members present or absent;

(c) The names and addresses of all persons appearing before the committee with the names and address, if any, of the person, firm, corporation or association in whose behalf the appearance is made;

(d) The bills, resolutions or other matters considered[~~-by number where appropriate~~];

(e) Action of the committee, including final action of the committee with respect to each bill or resolution on which the committee makes a report to the House;

(f) The vote of each member on each bill or resolution, matter or motion considered by the committee on which a [~~record~~] *roll call* vote is taken;

(g) The important points made by each witness at a public hearing and by each member of the committee, insofar as possible.

109. Permanent Committee Records; Disposition.



(a) The permanent records of the committee shall include ~~[the minutes of each meeting and]~~ a file on each bill or resolution received by the committee. The file on each bill or resolution shall include *minutes of all committee and subcommittee meetings*, a copy of the original document, a copy of committee amendments proposed by a member, whether adopted or not, and the disposition thereof; a copy of any fiscal note, actuarial note or notice attached to a bill or resolution at the time of committee consideration; all prepared statements which have been filed with the committee chairman by members or interested parties.

(b) The ~~[minutes and other]~~ permanent records of the committee shall be ~~[publicly recorded and shall be]~~ kept by the House Clerk in a place designated by the Speaker.

110. Open Meetings.

All meetings of any committee of the House and Senate shall be open to the public subject to the provisions of N.H. RSA 91-A ~~[and as clarified by the Attorney General of the State of New Hampshire]~~.

111. Back-Up Rules.

In such cases where New Hampshire House Committee rules are silent, "Mason's Manual of Legislative Procedures," [1989] 2000 Edition, shall be ~~[referred to as]~~ the parliamentary guide.

Reps. Scanlan and Burling spoke in favor.

Rep. Brewster asked if the question could be divided. The Speaker ruled the question was divisible.

Rep. Brewster requested that amendment to House Rule 30 be divided from the rest of the amendment. The Speaker so ordered.

Reps. Brewster and Bowles spoke against.

Rep. Herman spoke in favor and yielded to questions.

Rep. McKinney spoke in favor.

Rep. Brewster requested a division vote.

Rep. Whalley requested a roll call; sufficiently seconded. The question being the adoption of the amendment to House Rule 30.

## YEAS 316 NAYS 54

### YEAS 316

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Salatiello, Thomas
Thomas, John	Wendelboe, Fran		

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Torresen, Gary	

#### CHESHIRE

Avery, Stephen	DePecol, Benjamin	Dexter, Judson	Edwards, Dana
Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler	Hunt, John
Lambert, Bernard	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Roberts, William	Russell, Ronald
Smith, Edwin	Zerba, Roger		

#### COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John, Jr.	Woodward, David

#### GRAFTON

Alger, John	Almy, Susan	Barker, Robert	Cobb, John
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Gabler, William
Gilman, G Michael	Giuda, Robert	Ham, Bonnie	Lovett, Sid



Marshall, Gene  
Scanlan, David  
Williams, Burton

Mirski, Paul  
Scovner, Nancy

Naro, Debra  
Sova, Charles

Nordgren, Sharon  
Teschner, Douglass

## HILLSBOROUGH

Allan, Nelson  
Artz, Lawrence  
Bellavance, Paul  
Brundige, Robert  
Carlson, Donald  
Clayton, William  
Coughlin, Pamela  
Dionne, Kimberley  
Duval, Jeffrey  
Emerton, Lawrence, Sr.  
Foster, Linda  
Goley, Jeffrey  
Greenberg, Gary  
Herman, Keith  
Jean, Loren  
Konys, Christine  
LaRose, Richard  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Patria, Bonnie  
Salts, Greg  
Shaw, Barbara  
Tahir, Saghir  
Wheeler, Robert

Alukonis, David  
Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Chabot, Robert  
Clegg, Robert, Jr.  
Craig, James  
Dokmo, Cynthia  
Dyer, Merton  
Fields, Dennis  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Holden, Randolph  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Lynde, Harold  
Melcher, Harold  
Movsesian, Lori  
Pepino, Leo  
Sargent, Maxwell  
Souza, Kathleen  
Tate, Joan  
White, John

Andosca, Mary  
Balcom, John  
Bergin, Peter  
Buckley, Raymond  
Christensen, D L Chris  
Cote, David  
Daigle, Robert  
Drabinowicz, A Theresa  
Eaton, Richard  
Fletcher, Richard  
Gargas, Carolyn  
Goulet, Maurice  
Haley, Robert  
Hopper, Gary  
Kacavas, John  
L'Heureux, Robert  
Leach, Edward  
Martel, Andre  
Mercer, Robert  
Palangas, Eric  
Peterson, Andrew  
Schulze, Joan  
Spiess, Paul  
Thompson, Rob

Arnold, Thomas, Jr.  
Batula, Peter  
Bouchard, David  
Calawa, Leon, Jr.  
Christiansen, Lars  
Cote, Peter  
Desrosiers, William  
Drisko, Richard  
Elliott, Larry  
Flora, Kathleen  
Golding, William  
Graham, John  
Hall, Charles  
Jean, Claudette  
Keye, Harvey  
LaFlamme, Paul  
Leishman, Peter  
McDonough-Wallace, Alice  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Seibel, Christopher  
Sweeney, Cynthia  
Thulander, O Alan

## MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Greco, Vincent  
Jacobson, Alf  
Leber, William  
Perkins, Randy  
Rodd, Beth  
Wallner, Mary Jane

Clarke, Claire  
Davis, Francis  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Potter, Frances  
Rush, Deanna  
Whalley, Michael

Colcord, J D  
Dunne, Christopher  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Poulin, David  
Seldin, Gloria  
Winter, Steven

Cummings, Raymond  
Fraser, Leo, Jr.  
Hutchinson, John  
Langer, Ray  
Maxfield, Roy  
Reardon, Tara  
Swindlehurst, John

## ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Corbin, Corey  
DiFruscia, Anthony  
Fesh, Bob  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langley, Jane  
McGuire, Robert  
Moore, Benjamin  
Packard, Sherman  
Quandt, Matthew  
Saia, Pamela

Belanger, Ronald  
Clark, Vivian  
Cox, Russell  
Dodge, Robert  
Flanders, John, Sr.  
Gleason, John  
Holland, James, Jr.  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McKinney, Betsy  
Morse, Charles  
Pantelakos, Laura  
Rabideau, Marie  
Sapareto, Frank

Camm, Kevin  
Coes, Betsy  
Dalrymple, Janeen  
Dowling, Patricia  
Francoeur, Sheila  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Micklon, Stephanie  
Nowe, Ronald  
Pitts, Jacqueline  
Rausch, James  
Shultis, Elizabeth

Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Downing, Michael  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Mikowski, Walter  
O'Keefe, Patricia  
Putnam, Ed II  
Robertson, Carl  
Sloan, Stephen

Splaine, James  
Varrell, Thomas  
Whittier, John

Stone, Joseph  
Weatherspoon, Jacquelyne  
Woekel, Ralph

Stritch, C Donald  
Welch, David  
Zolla, William

Trueman, Raymond  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Callaghan, Frank  
Estabrook, Iris  
Hughes, Christopher  
Lent, Donald  
Reid, Christopher  
Taylor, Kathleen  
Woodill, Rodney

Bickford, David  
Cossette, Larry  
Ferland, Paul  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Tsiros, William  
Woods, Phyllis

Brennan, William  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Musler, George  
Smith, Marjorie  
Twombly, James

Brown, Julie  
Dunlap, Patricia  
Harrington, Michael  
Lachance, Douglas  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Allison, David  
Franklin, Peter  
Robb, Amy

Burling, Peter  
Jones, Constance  
Rodeschin, Beverly

Ferland, Brenda  
Leone, Richard

Flint, Gordon, Sr.  
Odell, Bob

### NAYS 54

### BELKNAP

Rice, Thomas, Jr.

Wood, Jane

### CARROLL

Sullivan, P Judith

### CHESHIRE

Allen, Peter  
Richardson, Barbara

Batchelder, Robert  
Royce, H Charles

Burnham, Daniel  
Weed, Charles

Mitchell, McKim

### COOS

None

### GRAFTON

Akins, Ralph  
Solow, Martha

Benn, Bernard

Pawlek, Marion

Sokol, Hilda

### HILLSBOROUGH

Alciere, Tom  
Clemons, Jane  
Martin, Mary Ellen  
Panagopoulos, Nicholas

Baroody, Benjamin  
Dwyer, Paul  
McHugh, Claire  
Vaillancourt, Steve

Bragdon, Peter  
Gorman, Mary  
Messier, Irene  
White, Donald

Cardin, Lori  
Hall, Betty  
O'Connell, Timothy

### MERRIMACK

Bouchard, Candace  
Gile, Mary

Brewster, Richard  
Moore, Carol

Feuerstein, Martin  
Owen, Derek

French, Barbara  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Norelli, Terie

Bowles, Raimond  
Power, Lucille

Chalbeck, Kevin  
Quandt, Marshall

Griffin, Mary

### STRAFFORD

Gilmore, Gary  
Spang, Judith

Goodwin, Earle

Kaen, Naida

Pelletier, Arthur

### SULLIVAN

Cloutier, John

Harris, Joseph

Harris, Sandra

Phinizy, James

and the amendment to House Rule 30 was adopted.

The question being the adoption of the remainder of the amendment to House Rules.  
Rep. Herman yielded to questions.  
Adopted.

## RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 101 through 149, House Concurrent Resolutions numbered 1 and 2 and Constitutional Amendment Concurrent Resolution numbered 1 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS, HCRS AND CACR

### First, second reading and referral

**HB 101**, relative to suspension of lobbyists for false statements or misrepresentation of material facts. (Marshall Quandt, Rock 20; Matthew Quandt, Rock 20: Legislative Administration)

**HB 102**, allowing bankruptcy judges to perform marriages after obtaining a special license. (Foster, Hills 10; Dokmo, Hills 14: Children and Family Law)

**HB 103**, relative to the possession of double-edged knives by convicted felons or during the commission or attempted commission of a violent crime. (Ruffner, Rock 25; Rogers Johnson, Rock 25: Criminal Justice and Public Safety)

**HB 104**, relative to dial-up Internet service providers. (Marshall Quandt, Rock 20; Matthew Quandt, Rock 20; Weyler, Rock 18; Nowe, Rock 3: Science, Technology and Energy)

**HB 105-FN-A**, establishing an agricultural nutrient management program and making an appropriation therefor. (Babson, Carr 5; Melcher, Hills 11: Environment and Agriculture)

**HB 106**, relative to honey products. (Melcher, Hills 11; Babson, Carr 5: Commerce)

**HB 107**, naming a certain bridge in the town of Milford. (Herman, Hills 13; Letourneau, Rock 13: Public Works and Highways)

**HB 108**, prohibiting retailers from selling wine, beer, and cigarettes below the wholesale cost. (Salatiello, Belk 2: Commerce)

**HB 109**, establishing a committee to study the consumer protection effort in New Hampshire. (Marshall Quandt, Rock 20; Matthew Quandt, Rock 20: Commerce)

**HB 110-L**, increasing the period of years the city of Laconia may use a certain parcel of state land. (Wood, Belk 7; Rice, Belk 7: Public Works and Highways)

**HB 111**, relative to paper purchased by or for state agencies. (B. Hall, Hills 20: Executive Departments and Administration)

**HB 112**, establishing a study committee on antitrust laws as they apply to hospital business practices. (Marshall Quandt, Rock 20; Matthew Quandt, Rock 20: Commerce)

**HB 113-L**, relative to the Nute High School and library trustees. (Brundige, Hills 18; N. Johnson, Straf 5; Patten, Carr 9; Johnson, Dist 3: Municipal and County Government)

**HB 114**, relative to notice requirements governing self-storage facility liens. (Almy, Graf 14: Commerce)

**HB 115**, relative to automated telemarketing practices. (Melcher, Hills 11; Leach, Hills 9; Avery, Ches 8; R. L'Heureux, Hills 18: Commerce)

**HB 116**, establishing a policy for naming state highways, bridges, and buildings. (Cloutier, Sull 8; Leber, Merr 1; Calawa, Hills 17; C. Bouchard, Merr 22: Public Works and Highways)

**HB 117**, establishing a committee to study the adoption of the uniform common interest ownership act. (Poulin, Merr 14; M. Fraser, Merr 21; L. Fraser, Merr 9; Pignatelli, Dist 13; Roberge, Dist 9; Larsen, Dist 15: Judiciary)

**HB 118**, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization. (Dalrymple, Rock 26; Emerton, Hills 7: Health, Human Services and Elderly Affairs)

**HB 119**, relative to exemptions and credits to property taxes when the property is sold. (Thulander, Hills 6: Municipal and County Government)

**HB 120**, making the commissioner of the department of youth development services a member of the department of youth development advisory board. (Lyman, Carr 5: Children and Family Law)

**HB 121**, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens. (Almy, Graf 14: Judiciary)

**HB 122-FN-L**, relative to euthanizing repeatedly vicious dogs. (Thomas, Belk 03: Criminal Justice and Public Safety)

**HB 123-FN**, relative to the retirement system classification for the director of the division of safety services, department of safety. (Dyer, Hills 8; Welch, Rock. 18; Royce, Ches 9; Johnson, Dist 3: Executive Departments and Administration)

**HB 124**, establishing a committee to study on-line voting. (Torressen, Carr 10; Buckley, Hills. 44; Whittier, Rock. 18; Johnson, Dist 3: Election Law)

**HB 125**, naming New Hampshire route 12-A from West Lebanon to the Cornish-Windsor Bridge the Maxfield Parrish Highway. (Allison, Sull 10; Jones, Sull 3; S. Harris, Sull 9; Cloutier, Sull 8; J. Harris, Sull 11: Public Works and Highways)

**HB 126-FN**, relative to the board of pharmacy and the regulation of pharmacists. (Millham, Belk 4; Dyer, Hills 8: Executive Departments and Administration)

**HB 127**, relative to motor vehicle dealer plates. (Batchelder, Ches 2; Dyer, Hills 8: Transportation)

**HB 128**, prohibiting the right to pass and repass from being assigned to successive land owners unless the deed or conveyance specifically provides for reassignment of the right. (Lefebvre, Hills 31: Judiciary)

**HB 129**, relative to amending condominium instruments governing assignment of limited common areas. (Poulin, Merr 14; L. Fraser, Merr 9; M. Fraser, Merr 21; Pignatelli, Dist 13; Roberge, Dist 9; Larsen, Dist 15: Commerce)

**HB 130**, relative to the maintenance of boundaries and fences. (Philbrick, Carr 4; Patten, Carr 9: Municipal and County Government)

**HB 131**, relative to the retention and disposal of certain financial disclosure forms. (Millham, Belk 4; Major, Rock 16; Roberge, Dist 9; Cohen, Dist 24: Election Law)

**HB 132-FN**, relative to the damage or destruction of an emergency vehicle or emergency services equipment. (Thomas, Belk 3: Criminal Justice and Public Safety)

**HB 133**, relative to an informed jury. (Soltani, Merr 10; Matthew Quandt, Rock 20; Roberge, Dist 9: Judiciary)

**HB 134**, permitting challenges to judges. (Soltani, Merr 10; Marshall Quandt, Rock 20; Pepino, Hills 40; Roberge, Dist 9: Judiciary)

**HB 135**, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. (Rowe, Hills 14; Gordon, Dist 2: Judiciary)

**HB 136**, making attorneys subject to the Consumer Protection Act. (Wendelboe, Belk 2: Commerce)

**HB 137**, establishing a committee to study the definition of domicile for voting purposes. (Lockwood, Merr 9; DiFruscia, Rock 27; Dickinson, Carr 2; Giuda, Graf 3: Election Law)

**HB 138**, relative to participation by minors in certain athletic activities. (Pilliod, Belk 3; French, Merr 3: Children and Family Law)

**HB 139**, relative to administrative rules proposed by agencies, boards, and commissions regulating occupational licenses. (Goulet, Hills 15; Emerton, Hills 7: Executive Departments and Administration)

**HB 140**, relative to interest on judgments. (Craig, Hills 38: Judiciary)

**HB 141-L**, relative to regulation of junk yards. (Scanlan, Graf 11; Owen, Merr 6: Environment and Agriculture)

**HB 142**, establishing a committee to study encryption of confidential information. (Emerton, Hills 7; M. Fuller Clark, Rock 36: Commerce)

**HB 143**, establishing a committee to study the shortage of health care providers in New Hampshire. (Emerton, Hills 7: Health, Human Services & Elderly Affairs)

**HB 144**, establishing a committee to study the CHINS process. (Lyman, Carr 5: Children and Family Law)

**HB 145-FN-A-L**, establishing the position of state animal control officer and making an appropriation therefor. (Phinizy, Sull 7; L. Pratt, Coos 4; Musler, Straf 6; McGuirk, Ches 1; Cohen, Dist 24: Executive Departments and Administration)



**HB 146**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. (Avery, Ches 8; Dickinson, Carr 2; Buckley, Hills 44; Roberge, Dist 9; Eaton, Dist 10: Transportation)

**HB 147-FN-A**, requiring annual registration by condominium unit owners' associations. (Poulin, Merr 14; M. Fraser, Merr 21; L. Fraser, Merr 9; Pignatelli, Dist 13; Roberge, Dist 9; Larsen, Dist 15: Commerce)

**HB 148**, establishing a committee to study the feasibility and value of encouraging the construction and operation on state park lands of publicly or privately-owned hotels, conference centers, and other resort facilities. (Langone, Rock 13; Leone, Sull 2; G. Katsakiores, Rock 13 Resources, Recreation and Development)

**HB 149**, naming the rest area at exit 6 along the F.E. Everett Turnpike the "Indian Head Rest Area." (R. L'Heureux, Hills 18; Gorman, Hills 29; Balcom, Hills 18; Milligan, Hills 18; Lefebvre, Hills 31; O'Hearn, Dist 12; Roberge, Dist 9: Public Works and Highways)

**HC R 1**, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay. (Marshall Quandt, Rock 20; Matthew Quandt, Rock 20; Weyler, Rock 18; Nowe, Rock 3: State-Federal Relations and Veterans Affairs)

**HC R 2**, urging the federal government to establish a new zip code for the town of Kensington. (Marshall Quandt, Rock 20; Matthew Quandt, Rock 20; Robertson, Rock 20: State-Federal Relations and Veterans Affairs)

**CACR 1**, relating to the rate of taxation of a tax dedicated to funding an adequate education. Providing that a two-thirds vote of the house of representatives and the senate shall be required to increase the rate of taxation of a tax dedicated to funding the state's obligation to provide an adequate education from the rate initially established. (Rowe, Hills 14: Finance)

## RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 4, 2001 at 11:00 a.m.

Adopted.

## LATE SESSION

### UNANIMOUS CONSENT

Rep. Pantelakos addressed the House.

### RECESS MOTION

Rep. Whalley moved that the House stand in recess.

Adopted.

The House recessed at 2:00 p.m.

## RECESS

### (Speaker Chandler in the Chair)

Rep. Whalley moved that the House adjourn

Adopted.

## HOUSE JOURNAL No. 3

January 4, 2001

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Ever gracious Creator, we ask Your blessing upon the work of this honorable House. May Your Spirit of warmth, wisdom, and grace fill this chamber today as we welcome many here to celebrate our democratic freedoms in honor of all the men and women who gave so tirelessly in the past to grant us this gift. Amen.

Reps. Scanlan and Burling led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Flanagan, Cecelia Kane, Lefebvre, Lockwood, Palermo and Whittemore, the day illness. Reps. Albert, Artz, Balcom, Benn, Bergin, Bickford, Bishop, David Bouchard, Bouldin, Brundige, Bruno, Carlson, Carson, Case, Chris Christensen, Cobb, Czech, Dewhirst, Dexter, Dowling, Dunne, Dyer, Stephanie Eaton, Estabrook, Edwards, Fairbanks, Brenda Ferland, Paul Ferland, Feuerstein, Fletcher, Marilyn Fraser, Leo Fraser, Gabler, Jeffrey Gilbert, Ginsburg, Goulet, Betty Hall, Henderson, Hess, Rogers Johnson, Langley, Manning, McDonough-Wallace, Meader, Mikowski, Musler, Nedeau, O'Connell, Patten, Perkins, Potter, Reeves, Rice, Roberts, Robertson, Royce, Ruffner, Sargent, Scovner, Seibel, Shaw, Edwin Smith, Souza, Tate, Ward, Weyler, Carol Williams, Phyllis Woods, Woodward, Zerba and Zolla, the day, important business.

Rep. French, the day, death in the family.

Reps. Ford, Priestley and Spang, the day, illness in the family.

### INTRODUCTION OF GUESTS

Rebecca, Andrew, Paul, Elizabeth and Susan Harvey, guests of Rep. Pitts. Christine Hamm, guest of Rep Owen. Barbara Brewster and Audry Schaefer, wife and guest of Rep. Brewster.

### RESOLUTION

Reps. Scanlan and Burling offered the following:

**RESOLVED**, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor, the Honorable C. Jeanne Shaheen, and for the taking of the oath by the Executive Council.

Adopted.

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, the Inauguration of the Governor, the Honorable C. Jeanne Shaheen, and the taking of the oath by the Executive Council.

### JOINT CONVENTION

(Speaker Chandler Presiding)

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Arthur P. Klemm, Jr.

### REPORT

Sens. Roberge and D'Allesandro and Reps. Flanagan, Horton, and Robert Johnson offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Executive Council reports that it has attended to its duties and the vote is correct.

### INTRODUCTION AND SEATING OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following who were escorted to their seats by the Governor's Military Staff:

The family and friends of Governor-elect Shaheen. The State Commissioners and Department Heads. United States Marshall, Ray Gagnon. United States Attorney, Paul Gagnon. Counsuls General from Canada, England, France, Germany, Israel, Ireland, Japan, Korea and Taipei. Hon. John R. Maher, Administrative Judge of the Probate Court. Hon. Edwin W. Kelly, Administrative Judge of the District Court. Chief Justice of the Superior Court Walter Murphy and Mrs. Murphy. The Associate Justices of the Supreme Court and their guests. Hon. David A. Brock, Chief Justice of the Supreme Court and Mrs. Brock. Deputy Secretary of State Robert P. Ambrose. State Treasurer Georgie A. Thomas. Former Governor Hugh Gregg and Mrs. Gregg. Former Governor Walter Peterson and Mrs. Peterson. Former Governor John H. Sununu and Mrs. Sununu. The Honorable Clergy. The Executive Councilors-elect: David K. Wheeler; Raymond S. Burton and guest, Roland Stoodley; Peter J. Spaulding; Ruth L. Griffin; and Thomas P. Colantuno and Mrs. Colantuno. House Leadership. The Governor's daughters: Molly, Stacy and Stephanie and her husband, Craig Welch. Governor C. Jeanne Shaheen and Mr. Shaheen.

### INVOCATION

The Most Reverend John B. McCormack, Bishop of Manchester, offered the invocation. Generous God, Creator of our universe and provider of all that is good, we begin this day by asking that our civil servants be enriched by Your grace. As citizens of New Hampshire, we may often be known as thrifty in our use and management of our resources, but we must be extravagant in our praise of Your blessings and goodness. So today as we look forward to the lengthening daylight of winter days, we also look forward to the rays of Your wisdom being lengthened to guide our civil servants in Your ways of justice, mercy and peace. Bless our Governor, the members of her Council and the members of our Senate and House of Representatives. Grant them the grace to carry out their responsibilities in a manner that all people and all human life are respected and dealt with fairly from the beginning of life in the womb through healthy development, with good schooling, fair employment, just taxes and proper care until the time of natural death. Bless them with patience, perseverance and prudence. Help them stand firm and tall under pressure and nudge them when needed to bend low in care of the needy and the voiceless. As You enable them to assist, guide and represent Your people, we pray that You sustain them in their efforts to seek and provide for the common good. May their decisions be informed by what our traditions hold to be true, right and just. May facile solutions to difficult questions never be embraced and may the trust and respect for human dignity always be part of their discussions so that when the evening of their work is over, our trust and respect for human dignity in life will be enhanced, strengthened and sustained through their efforts. Confident of Your creative love, we ask all this of You. Amen.

### POSTING OF COLORS

The New Hampshire National Guard posted the Colonial and Traditional Colors.

### PLEDGE OF ALLEGIANCE

The Kindergarten Class from Gonic Elementary School in Rochester led the Pledge of Allegiance.

### NATIONAL ANTHEM

The National Anthem was sung by Rawn Spearman from Nashua.

### PRAYER

Rabbi Richard L. Klein of Temple Beth Jacob in Concord offered a prayer for peace and thanksgiving.

May God who creates peace in the heavens guide us in creating peace here on earth. Peace is a persistent dream of humanity. It has been the subject of prayers for as long as we have records. The Bible tells us to pursue peace. The Hebrew word is *lirdof*. That same term, *lirdof*, is also used when Scriptures speak of justice. The Sages saw an important lesson in the commonality of language. If we wish to have peace, we must pursue justice for the weakest among us: those who have no home; those caught in the trap of domestic violence; those from whom we shrink because their language, faith, skin color or sexual orientation are different from our own; those whose children's access to educational resources is severely limited; those who are so alienated that they turn to substance abuse, violence and horrific criminal acts. Only when we pursue justice for them will there be peace for us all. Governor Shaheen and our other leaders cannot do it for us. We must all join in the pursuit. "*Kayn yehi ratzon*" — May it be Your will. Amen.

## OATHS OF OFFICE

Chief Justice David A. Brock administered the oath of office to Governor-elect Jeanne Shaheen. Governor Shaheen administered the oath of office to the Honorable Executive Councilors-elect Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Thomas P. Colantuono and David K. Wheeler.

## PRAYER

A Prayer for a successful administration was offered by Reverend Janet Lombardo of the Trinity Episcopal Church in Tilton.

Holy God, Creator of us all, help each of us to work together for the good of the people of New Hampshire. Help Governor Jeanne Shaheen to be an able leader, patient and true to her beliefs. Let this body not be guided by popularity, but by faithful dialogue, always searching for the best solution. We pray that each person here not lose sight of what is right, that the work done here will be the very best for the people of New Hampshire, both now and in the future. We thank You, God, for bringing this particular group together. Help them work with each other, so that this administration may be successful. Amen.

## POEM

New Hampshire Poet Laureate Marie Harris read her poem, "January Thaw."

*The meager light is charged with sudden warmth  
that tempts the buds on the brittle branch  
and softens pond ice, releasing the hint of a scent of spring.  
This seditious weather undermines winter's dictatorship:  
Its puppet government of cold,  
Its dark decrees.*

*A turn in the wind carries the news:  
There is nothing cast in stone or ice or precedent  
That cannot be chiseled, molded or changed.  
In such a climate hope and opportunity abound;  
Fresh purpose will emerge as surely  
As snowdrops elbowing the frozen ground.*

## SCRIPTURE READING

Reverend Bartholomew Leon of the St. George Maronite Catholic Church in Dover read from the Book of Wisdom 9:1-6, 8-14.

## MUSICAL INTERLUDE

Members of the Concord Community Music School's Scholarship Vocal Ensemble sang "Ave Verum" by W. A. Mozart.

## INAUGURAL ADDRESS

The Governor delivered her Inaugural Address:

Mr. Speaker, Mr. President, Mr. Chief Justice, Executive Council, honorable members of the House, Senate and my fellow citizens:

I want to thank the people of New Hampshire for once again entrusting me with this office. It is a special privilege, and I promise to work for you every day to be worthy of it.

Speaker Chandler and Senate President Klemm, congratulations. We have much to do, and I look forward to working with you and with all the member of the House and Senate.

I have to stop for a minute here and introduce my family because without them I would not be here. My daughter Stephanie and her husband Craig, parents of my granddaughter; Stacy, the bride-to-be in just ten days; and Molly who's all grown up, she won't be falling asleep this year and Billy, without your encouragement and support, not only would I not be here, but I couldn't do this. So thank you, all, every day.

We meet today for the first inauguration of the 21st century. More than ever, we see ourselves at the dawning of new time, new challenges and new opportunities. More than ever, we look to the future with optimism, to be sure, but also marveling that the world seems to be changing at a faster and faster pace.



One hundred years ago, at the beginning of the 20th century, after taking the same solemn oath of office I have just taken, Governor Chester Jordan stood in this room and said New Hampshire was on the "threshold of a century that promises beyond what we can think or ask." In 1901, nearly as many New Hampshire workers were employed in agriculture as in manufacturing. Virtually every road in the state was unpaved; most people still traveled by horse and buggy. There were more harness makers than electricians; blacksmiths outnumbered lawyers 4 to 1 and in that much-different world, women could not vote.

The greatest challenge facing New Hampshire's future, Governor Jordan said, was excessive and unrestrained timber cutting. In his words, "our forests are fast becoming despoiled, their scenic beauties marred and destroyed, the public health endangered," and the state's agriculture, tourism, and even lumber industry threatened with ruin. Without action, he warned, New Hampshire's forests are headed toward extinction.

The efforts begun in 1901 to preserve our forests, efforts continuing to this day, have been a remarkable success. Despite the dramatic population increases of the last century, New Hampshire's forests have re-grown to cover eighty-five percent of our land, almost as much as when the first settlers arrived here over than 300 years ago.

In many ways, the New Hampshire of 1901 seems unrecognizable to us now. But consider it from another perspective. Sitting in this hall today is Elizabeth McLaughlin of Concord. She is 101 years old. Elizabeth was alive in 1901, back when women couldn't vote, when automobiles were a curiosity, and when the prospect of a New Hampshire barren of trees seemed a real possibility. All the changes between the end of the 19th century and the beginning of the 21st century have taken place within her one, single lifetime.

New Hampshire at the dawn of the 21st century has certainly changed from the New Hampshire of 100 years ago or even five years ago.

When the kindergartners from Rochester were born, New Hampshire had never elected a woman Governor. No woman had ever served on the State Supreme Court or as Speaker of the House. There was no state law honoring Martin Luther King. New Hampshire ranked 50th in state aid to education. And in those kindergartners' hometown of Rochester there was no public school kindergarten.

New Hampshire's economy has also changed. Today, we are one of the leading "New Economy" states. We rank second in the nation in the percentage of our workforce employed in high-technology jobs. With one of the highest rates of growth in international trade, New Hampshire businesses are competing and winning all around the world. New Hampshire companies are leading the way in innovation. In Portsmouth, Wastech International is developing a sophisticated new technology that will safely treat the wastewater produced by ships, preserving our precious oceans. In Wilton, Advanced Energy is designing innovative electronics that will allow us to better harness the power of the sun to meet our future energy needs. And in West Lebanon, Mii Technologies has developed a new way of making machine parts, an invention that *Time* magazine says could revolutionize 21st century manufacturing the way the cotton gin revolutionized 19th century farming.

Once again, we stand on the "threshold of a century that promises beyond what we can think or ask." But one thing is certain: New Hampshire must keep adapting to a fast-changing and increasingly global economy, or we will fall behind.

The new economy of the 21st century is run on brainpower, not horsepower. In this economy, success is built on innovation, ideas and information, and the foundation for this new economy is education. In the last few years, by almost every measure, the growth of the New Hampshire economy has been breathtaking. Today, the major limit to our continued growth is a shortage of skilled workers. We will not be able to meet the needs of New Hampshire business in the 21st century by importing workers. Instead, we must focus our efforts on improving the skills of our students and our existing workforce. We must ensure that our children, no matter where they live, have the skills and education to allow them to take full advantage of the opportunities offered by this high-tech, global economy. And that means we must make the commitment and the investment necessary to improve our schools.

If New Hampshire's economy is to prosper; if New Hampshire's children are to succeed; if New Hampshire's future is to be bright and secure, then we must recognize that improving education is the single most important issue we face. Nothing else that we do here will have a greater impact on New Hampshire's success or failure in this new century. The equation is really quite simple: how

well we educate our students will determine New Hampshire's future, our quality of life, the economic security of our families, the success of our businesses and the opportunities available to our children. But while that equation is simple, meeting its challenge is not.

In four years, we have come a long way, dramatically increasing state aid to education, cutting in half the number of communities without public kindergarten, wiring ninety-eight percent of our schools to the Internet. But our greatest challenge, a permanent school funding solution, is still before us; and we must meet that challenge this year.

This will not be easy. No one appreciates that more than I do. Resolving school funding will require each of us to be honest with ourselves and the people of New Hampshire about what is required by the Claremont II decision. The State must pay for the cost of an adequate education for every child in New Hampshire. It's that simple and that difficult. We must face up to this obligation and we must acknowledge that we cannot meet it without change.

Throughout my four years as Governor, I have been heartened by the support for improving schools voiced by members of the state's business community. Long before Claremont II, the Business and Industry Association in 1991 published a report on education that stated, "We recognize that business has needs only education can meet. We depend on education to provide us with involved citizens, knowledgeable consumers, intelligent workers and competent family members. We see an investment in education as the best investment in our future." We see an investment in education as the best investment in our future. That's as true today in 2001 as it was in 1991. In fact, it's even more true.

Now is the time we must make that investment in education a reality, not merely a promise. And we must choose how we are going to pay for that investment. We need to recognize that there is no easy choice, and that "none of the above" is not an option. Putting off the hard choices until next year or a future legislature will not make this challenge go away or make it any easier to solve. It will only make it more difficult.

Make no mistakes: enacting a permanent solution must be our overriding priority this year in this session of this legislature. Without a permanent solution this year, the state's bond ratings and strong fiscal position will be jeopardized. But even more important, without a permanent solution, New Hampshire's public schools, and therefore our prosperity, will be threatened.

As you know, for the last eight months a blue ribbon commission of economists and financial experts has been analyzing different revenue sources. I asked for this independent, non-partisan study because we need to move forward and make decisions with hard facts and objective analysis. This blue ribbon commission has only recently completed its work. Its report will be released next week. I want to thank former Dartmouth College President David McLaughlin and all the men and women who, in true New Hampshire tradition, volunteered so much time and effort for this important study. I will be relying on their work when I make my proposal in the next few weeks charting a new, secure course for funding education. I am ready to meet this challenge. I will propose a solution, but it will require all of us, in the Senate, in the House, and in the Executive; in the business community and education community; Democrats, Republicans, and Independents working together and putting aside partisanship to get this job done.

The people of New Hampshire expect no less from us. In the past election, they made a clear, some would say historic, choice. They want this issue solved. They are tired of the old debates driven by slogans and unyielding ideology. They want results, and they expect all of us to keep an open mind as we seek to do what's best for our state.

The people of New Hampshire made clear they would not go back to a system of unequal schools based on a 19th century system of funding. They want to move forward into the 21st century with 21st century schools. The people of New Hampshire also understand that funding alone will not give us excellent schools. We must set high standards for our schools and hold them accountable for meeting those standards. We have debated school accountability for three years. This year we must act.

We must also continue to improve educational opportunities for our youngest children. Four years ago, we took a giant step forward when we gave communities an incentive to start public kindergartens. Now we must extend our kindergarten construction program and make sure that every five-year-old really does have the opportunity to attend public kindergarten in New Hampshire. But we must move beyond kindergarten. Recent brain research shows us that the first few years of a child's life are crucial. The learning environment children experience in their earliest years has a

decisive and long-term impact on their development. Yet those early years receive the least attention from policymakers and the least amount of public investment. That must change. That is why in the coming weeks I will propose an early learning initiative to help ensure the best start possible for our children.

The skilled jobs of the new economy require higher education. If we are going to meet the demands of business for skilled workers, we must strengthen our public institutions of higher education. Fifty percent, fifty percent, of New Hampshire's college-bound high school graduates leave the state and many of them never come back. We must reverse this brain drain. We must continue investing in our university system and community technical colleges.

Let us pledge today that we will not let the people of New Hampshire down. Let us agree that in the coming months we will turn our greatest challenge, our greatest responsibility, into our greatest opportunity. Let us set New Hampshire on a secure course that will provide every child with the best possible education. That is our overriding obligation.

But there are other issues we must face in the 21st century. We must make sure we give every child in New Hampshire a healthy start. It is the right thing to do, because parents should never have to worry about whether they can afford to take their child to the doctor. But it is also the smart thing to do. Children's health care is a great investment. The simple truth is that healthy children do better in school and it costs the state and our health care system less to provide preventive health care than to hospitalize children or treat them in emergency rooms. We have already established an innovative Children's Health Insurance Program, which in just two years has provided almost 12,000 previously uninsured children with health coverage. But as successful as the program is, we should not be satisfied until virtually every eligible child in the state is enrolled and receiving quality health care. We can achieve this goal in the next two years and we should.

Just as we owe our children a healthy start, we owe our seniors a dignified and healthy retirement. Many of our senior citizens live on the financial edge. They struggle to pay for the medications they need to stay healthy. We must do everything we can as a state both to help seniors stay in their homes for as long as possible and to lower the high cost of prescription drugs.

After the events of this past year, those of us in the three branches of government will be remiss if we do not work together this session to make the changes necessary to restore public confidence in our judiciary. We will only succeed if our purpose is to strengthen the judiciary. We will fail if we act from a desire to punish. We must be wise enough to distinguish between making the judiciary more accountable to the public, as it should be, and making it more vulnerable to political passions, which it should never be.

All of us who hold elected positions must remember the full responsibility that comes with those offices. Every day, the men and women in our police and fire departments put their lives at risk for the people of New Hampshire. In the last few years, even in the last few weeks, we have been reminded of the sacrifices that the police and firefighters stand ready to make on our behalf. In return, here's what we owe them: as elected officials, we owe them not just the passage of good laws, we owe them our respect. In everything we say and do, let that message be clear. In this State House, we honor our citizens in uniform.

Finally, we must continue to make sure that New Hampshire's quality of life and natural and historic resources are protected for the new century. The beauty of our forests and rivers and lakes, the richness of our culture and history – that is our legacy from previous generations, and we must do all we can to preserve them for future generations. Last year, with the passage of the Land and Community Heritage Investment Program, we took an important step in this direction. This year we must continue and strengthen that investment.

And we also must act to better manage the growth that has come with our economic prosperity. We must protect the character and diversity of New Hampshire's landscape from the creeping threat of sprawl. If we do not, we put at risk the very quality of place that is the foundation of our economic success and the reason so many of us choose to call New Hampshire home.

We enter this new century facing what sometimes may seem to be overwhelming challenges and immovable obstacles to progress. But in the days to come, if you get discouraged or tempted to give up on the hard work of seeking new solutions to difficult problems, then just remember the bright, expectant faces of the kindergartners from Rochester. The way their hopeful voices lifted us all on this day. They are living, breathing proof that what we do here in this historic building profoundly affects the lives of real people.



One hundred years from now, when a new governor and a new legislature begin the 22nd century, perhaps some of today's kindergartners will be sitting in this chamber, just as Elizabeth McLaughlin is today. Let us remember that the 21st century is their century, a century sure to be filled with astounding changes; changes we cannot even imagine; changes far more profound and breathtaking than the changes of the last 100 years. It will be their century, but it is up to us, in the decisions we will soon be called upon to make, to prepare them, and New Hampshire, for the future they deserve. Let us proceed with the work we have been elected to do inspired by that vision. Thank you very much.

### **BENEDICTION**

Reverend Thomas F. Chininis of St. Philip Greek Orthodox Church in Nashua offered the Benediction.

Lord and Creator of all, as a new year dawns and we look to the coming days with eagerness and anticipation, we pause to offer our thanks for the many blessings You have bestowed upon us in Your goodness and love; for the beauty of our state and the beauty of her people. At this hour we thank You for the gathering in these chambers and for the leaders of our state who have pledged before us, but more importantly, before You, to govern and lead our state using the talents and gifts You have granted each one of them. We thank You and ask Your blessings upon our Governor, Jeanne Shaheen, and the members of the Executive Council, their staffs and the legislative bodies of our state. Provide them wisdom, discernment, strength, patience, understanding, dignity and honor. Enable them to be the good stewards of the authority and resources of their offices. Instill in them faith and hope that with each new day Your word will be written upon their hearts. With daunting and complex issues and tasks before them, imbue them with the boldness and courage to see Your will, and thus find truth, justice, mercy and compassion. As our Governor and the leadership of our state embark on a new journey of a new year, shine Your light upon them, make their steps sure and their path straight. For we know that You are a God of truth and love, now and ever and to the ages and ages. Amen.

Rep. Scanlan and Sen. Francoeur moved that the Joint Convention arise.

Adopted.

### **RESOLUTION**

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and when the house adjourns today it be to meet at the Call of the Chair.

Adopted.

### **LATE SESSION**

### **RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 1:20 p.m.

### **RECESS**

**(Rep. Herman in the Chair)**

### **RESOLUTION**

Rep. Gleason offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 150 through 188, Constitutional Amendment Concurrent Resolution 2, House Concurrent Resolutions numbered 3 and 4 and House Resolution numbered 5 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### **INTRODUCTION OF HOUSE BILLS, HCRs, HR and CACR**

#### **First, second reading and referral**

**HB 150**, relative to voter checklist information. (Buckley, Hills 44: Election Law)

**HB 151**, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. (Rosen, Belk 7; Weyler, Rock 18; Guay, Coos 6; Griffin, Rock. 27: Ways and Means)

**HB 152-FN**, relative to expanding the legal methods of taking game animals. (R. L'Heureux, Hills 18; Carlson, Hills 19; Nowe, Rock 3; Gorman, Hills 29; Fletcher, Hills 7; Disnard, Dist 8: Fish and Game)

**HB 153**, lowering the minimum medical cost coverage for motor vehicle liability policies. (Phinizy, Sull 7: Commerce)

**HB 154**, relative to candidates of parties nominated by nomination papers. (Stritch, Rock 5; G. Katsakiores, Rock 13; Alger, Graft 9; Dodge, Rock 4; Case, Rock 2; Barnes, Dist 17: Election Law)

**HB 155**, relative to the initial appearance in CHINS cases. (Dowling, Rock 13: Children and Family Law)

**HB 156**, relative to the detention of juveniles in delinquency proceedings. (Dowling, Rock 13: Children and Family Law)

**HB 157**, clarifying the immunity from liability of police officers, firefighters, and bystanders who apply lifesaving measures in emergencies. (J. Flanders, Rock 18; Leach, Hills 9: Judiciary)

**HB 158**, relative to the use of an artificial light to locate moose. (Gallus, Coos 7; Roberts, Ches 4; Ham, Graf 4; Burns, Dist. 1: Fish and Game)

**HB 159**, relative to removal of political advertising. (Marshall Quandt, Rock 20: Election Law)

**HB 160**, establishing a committee to study the issue of one-day/one-trial jurors. (DiFruscia, Rock 27: Judiciary)

**HB 161**, establishing a committee to study the use of jurors 16 years of age or younger in criminal trials where the defendant is a juvenile. (DiFruscia, Rock 27: Judiciary)

**HB 162-FN-L**, ratifying articles 28, 29 and 30 of the 2000 Hudson annual town meeting. (Alukonis, Hills 23; Clegg, Hills 23; L. Christiansen, Hills 23; Tate, Hills 23; Lessard, Hills 23; Francoeur, Dist 14: Municipal and County Government)

**HB 163**, establishing a committee to study opening the state house to the public on weekends. (Lynde, Hills. 24: Legislative Administration)

**HB 164**, relative to exceptions to the confidentiality of certain department of employment security records. (Dickinson, Carr 2; Batchelder, Ches 2; Millham, Belk 4; Kurk, Hills 5: Labor, Industrial and Rehabilitative Services)

**HB 165**, relative to the requirement for including constitutional amendments in the warrant posted at the polling place before general elections. (Dodge, Rock 4: Election Law)

**HB 166**, establishing a committee to study gas and hazardous substance pipeline safety. (Hill, Rock 29; K. Hutchinson, Rock 29; Introne, Rock 29; Francoeur, Dist 14: Science, Technology and Energy)

**HB 167**, relative to the authority of the consumer advocate. (Gilmore, Straf 11; Barnes, Dist 17: Science, Technology and Energy)

**HB 168**, relative to transfers of ownership of cemetery plots or burial spaces. (L. Foster, Hills 10; Patten, Carr 9: Municipal and County Government)

**HB 169-FN**, repealing the certificate of need law. (Marshall Quandt, Rock 20; Weyler, Rock 18: Health, Human Services & Elderly Affairs)

**HB 170-FN-A**, repealing the legacies and succession tax. (McGuirk, Ches 1; Almy, Graf 14; Dokmo, Hills 14; J. Pratt, Ches 2; Mock, Carr 3; Gordon, Dist 2; Roberge, Dist 9; Below, Dist 5; Pignatelli, Dist 13; Disnard, Dist 8: Ways and Means)

**HB 171-FN**, abolishing the death penalty. (Splaine, Rock 34; Shultis, Rock 33; Weatherspoon, Rock 20; L. Jean, Hills 17; Pitts, Rock 35; Cohen, Dist 24; Below, Dist 5: Criminal Justice and Public Safety)

**HB 172-FN-A**, to construct a noise barrier along a portion of I-95 and making an appropriation therefor. (Pantelakos, Rock 30; C. Kane, Rock 32; Splaine, Rock 34: Public Works and Highways)

**HB 173-FN**, relative to the place and time of detention. (Rowe, Hills 14: Judiciary)

**HB 174-FN**, relative to license plates for deaf and hard-of-hearing drivers. (Emerton, Hills 7: Transportation)

**HB 175-FN-L**, relative to the amount and scope of the homestead right. (Melcher, Hills 11: Judiciary)

**HB 176-FN-L**, relative to the port in the city of Portsmouth, New Hampshire. (Pantelakos, Rock 30; C. Kane, Rock 32; Splaine, Rock 34: Public Works and Highways)

**HB 177-FN-A**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. (Lessard, Hills 23; Mock, Carr 3; Welch, Rock 18; Nowe, Rock 3; Bartlett, Belk 6; Gordon, Dist 2: State-Federal Relations and Veterans Affairs)

**HB 178-FN**, permitting certain village districts to become eligible for state highway aid apportionment. (Philbrick, Carr 4: Public Works and Highways)

**HB 179-FN**, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. (Bickford, Straf 1; Brown, Straf 17; K. Hutchinson, Rock 29; Richardson, Ches 12; Allison, Sull 10: Children and Family Law)

**HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults. (Flora, Hills 15; Sargent, Hill 3; P. Katsakiores, Rock 13; O'Keefe, Rock 21; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

**HB 181-FN**, allowing police and corrections officers who have been group II members for 5 years to maintain group II membership in the retirement system when they become police trainers. (J. Flanders, Rock 18, Nedeau, Belk 1: Executive Departments and Administration)

**HB 182-FN**, increasing the number of supreme court justices. (Buckley, Hills 44: Judiciary)

**HB 183-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Poulin, Merr 14; Proulx, Straf 12; Marshall Quandt, Rock 20; DeChane, Straf 6; Woodill, Straf 2: Executive Departments and Administration)

**HB 184-FN-A**, establishing a 3 percent sales and use tax for the purpose of funding public education. (B. Moore, Rock 21: Ways and Means)

**HB 185-FN-L**, repealing the prospective repeals of the education property tax and related laws. (Hunt, Ches 10: Ways and Means)

**HB 186-FN-A**, establishing a pesticides training program. (Melcher, Hills 11; Babson, Carr 5: Environment and Agriculture)

**HB 187-FN-L**, relative to the Manchester airport authority security force. (Dodge, Rock 4: Municipal and County Government)

**HB 188-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Dwyer, Hills 43; Disnard, Dist 8; D'Allesandro, Dist 20: Executive Departments and Administration)

**HCR 3**, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. (Arndt, Rock 27; Wheeler, Dist 21: State-Federal Relations and Veterans Affairs)

**HCR 4**, encouraging New Hampshire Public Radio to extend its broadcast signal to all of Coos county including the Connecticut River Valley area. (L. Pratt, Coos 4: Science, Technology and Energy)

**HR 5**, directing the New Hampshire attorney general to report to the house of representatives on the feasibility of filing a class action lawsuit against the federal government to recover special education funding promised by the federal government under the Individuals with Disabilities Education Act. (Elliott, Hills 2; Leach, Hills 9; Dionne, Hills 1; Sargent, Hills 3; L. Foster, Hills 10, Corbin, Rock 9, French, Merr 3: State-Federal Relations and Veterans Affairs)

**CACR 2**, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court. (Phinzy, Sull 7; DiFruscia, Rock 27: Judiciary)

## RECESS

(Rep. Herman in the Chair)

## RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 189 through 199, 201 through 204, and Constitutional Amendment Concurrent Resolutions numbered 3 and 4 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and CACRs

### First, second reading and referral

**HB 189-FN**, increasing the facility funding limits under the oil discharge and disposal cleanup fund. (Holbrook, Belk 7; Downing, Rock 26; Below, Dist 5: Finance)

**HB 190**, relative to prayer in the public schools. (Itse, Rock 11; Matthew Quandt, Rock 20; Marshall Quandt, Rock 20; G. Katsakiores, Rock 13; Nowe, Rock 3: Education)



**HB 191**, permitting unmarried adults to adopt jointly. (Buckley, Hills 44; M. Fuller Clark, Rock 36; DeChane, Straf 6; Pantelakos, Rock 30; Wheeler, Dist 21; Cohen, Dist 24: Children and Family Law)

**HB 192-A**, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. (Cloutier, Sull 8; Allison, Sull 10; S. Harris, Sull 9; Robb, Sull 11; J. Harris, Sull 11; Disnard, Dist 8: Public Works and Highways)

**HB 193**, establishing a committee to study state payments for court-ordered placements of special education pupils. (Foster, Hills 10; Alger, Graf 9: Education)

**HB 194**, relative to municipal budget hearings, recommendations, and reports. (Patten, Carr 9: Municipal and County Government)

**HB 195**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. (Allen, Ches 7: Environment and Agriculture)

**HB 196-L**, relative to civil forfeiture for failure to license or renew a dog license. (Wendelboe, Belk 2; Wheeler, Dist 21: Municipal and County Government)

**HB 197**, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. (Welch, Rock 18; Cohen, Dist 24: Criminal Justice and Public Safety)

**HB 198-FN**, relative to state imposed time limits on public assistance eligibility. (Rosen, Belk 7; Vaillancourt, Hills 44; Dickinson, Carr 2; D. White, Hills 25; Boyce, Dist 4: Health, Human Services and Elderly Affairs)

**HB 199**, relative to the collection of property taxes assessed on manufactured housing. (Arnold, Hills 20; R. Eaton, Hills 21: Municipal and County Government)

**HB 201**, requiring voters to present identification to obtain a ballot. (Nowe, Rock 3; Reeves, Hills 37; G. Katsakiores, Rock 13; Griffin, Rock 27; Marshall Quandt, Rock 20; Francoeur, Dist 14; Boyce, Dist 4; Roberge, Dist 9; Eaton, Dist 10: Election Law)

**HB 202**, relative to the legislative ethics committee. (J. Bradley, Carr 8; Wall, Straf 9; Gordon, Dist 2: Legislative Administration)

**HB 203**, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. (Knowles, Straf 11; Rodd, Merr 3: Judiciary)

**HB 204-FN**, relative to loan guarantees by the business finance authority. (Scanlan, Graf 11; Tholl, Coos 5; Alukonis, Hills 23; Gallus, Coos 7; Francoeur, Dist 14: Finance)

**CACR 3**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed. (Pepino, Hills 40; Buckley, Hills 44; Soltani, Merr 10; Boyce, Belk 5; L. Christiansen, Hills 23; Roberge, Dist 9; Francoeur, Dist 14: Judiciary)

**CACR 4**, relating to the administrative head of the courts. Providing that article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed. (Bergin, Hills 16: Judiciary)

## RECESS

(Rep. Hess in the Chair)

## RESOLUTION

Rep. Mercer offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 205 through 223, Constitutional Amendment Concurrent Resolution numbered 5 and House Joint Resolution numbered 1 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS, HJR and CACR

### First, second reading and referral

**HB 205-FN-L**, relative to creditable service for eligibility by retired teachers for payment of medical benefits. (C. Jean, Hills 32; O'Hearn, Dist 12: Executive Departments and Administration)

**HB 206-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Whittier, Rock 18: Labor, Industrial and Rehabilitative Services)

**HB 207-FN-L**, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity. (Philbrick, Carr 4; Patten, Carr 9; Below, Dist 5: Environment and Agriculture)

**HB 208-FN**, changing the license requirement for operators collecting the meals and rooms tax. (Major, Rock 16; Stone, Rock 7; Avery, Ches 8: Ways and Means)

**HB 209-FN**, relative to original and youth operators' licenses. (Packard, Rock 29: Transportation)

**HB 210-FN**, relative to the penalties for persons convicted of subsequent DWI offenses. (Tholl, Coos 5; Almy, Graf 14: Criminal Justice and Public Safety)

**HB 211-FN**, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws. (Tholl, Coos 5; Almy, Graf 14: Criminal Justice and Public Safety)

**HB 212-FN**, expanding income eligibility limits for education property tax hardship relief. (Cox, Rock 24; Langley, Rock 24; Alger, Graf 9; Leone, Sull 2; Shultis, Rock 33: Ways and Means)

**HB 213-FN**, increasing the allowable amount of education property tax relief. (Cox, Rock 24; Langley, Rock 24; Alger, Graf 9; Leone, Sull 2; Shultis, Rock 33: Ways and Means)

**HB 214-FN**, requiring transcription of grand jury proceedings. (DiFruscia, Rock 27; Phinizy, Sull 7: Judiciary)

**HB 215**, relative to publication of status of cases before the supreme court. (Wendelboe, Belk 2: Judiciary)

**HB 216-FN-L**, requiring a permit for ownership of a pit bull, rottweiler, or doberman. (Brewster, Merr 1: Municipal and County Government)

**HB 217-FN**, prohibiting the courts from charging fees. (Christiansen, Hills 23: Judiciary)

**HB 218-FN**, relative to the motor vehicle road toll law and motor vehicle registration fees. (Packard, Rock 29; Letourneau, Rock 13: Transportation)

**HB 219**, relative to the rules of the road involving school buses. (Sullivan, Carr 2; McRae, Hills 7; Johnson, Dist 3: Transportation)

**HB 220**, relative to primary election candidates. (Brewster, Merr 1; Dickinson, Carr 2; Reeves, Hills 37; Buckley, Hills 44; Reid, Straf 12; Barnes, Dist 17: Election Law)

**HB 221**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (Itse, Rock 11; Nowe, Rock 3; Souza, Hills 40; Boyce, Dist 4: Labor, Industrial and Rehabilitative Services)

**HB 222-FN**, relative to lighting and light pollution. (Rabideau, Rock 16: Municipal and County Government)

**HB 223**, allowing a state resident to obtain a license for a pistol or revolver for life. (Gilman, Graf 1: Criminal Justice and Public Safety)

**HJR 1**, urging Congress to expand eligibility for membership in the American Legion. (Dickinson, Carr 2; Fields, Hills 18; Graham, Hills 15; Jacobson, Merr 2; Rosen, Belk 7; Johnson, Dist 3; Disnard, Dist 8; Burns, Dist 1: State-Federal Relations and Veterans Affairs)

**CACR 5**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Pepino, Hills 40; Jacobson, Merr 2; Salts, Hills 41; Roberge, Dist 9; Francoeur, Dist 14; Boyce, Dist 4: Judiciary)

## RECESS

(Rep. Whalley in the Chair)

## RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 224 through 238, Constitutional Amendment Concurrent Resolution numbered 6 and House Concurrent Resolution numbered 5 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HCR and CACR

### First, second reading and referral

**HB 224**, relative to persons who may sign nomination papers. (Arndt, Rock 27: Election Law)

**HB 225**, relative to applications for recounts. (Arndt, Rock 27: Election Law)

**HB 226**, relative to instructions to voters for straight-ticket voting. (Arndt, Rock 27; Weatherspoon, Rock 20; Clemons, Hills 31; Herman, Hills 13: Election Law)

**HB 227**, clarifying certain definitions relating to emergency medical and trauma services. (Dyer, Hills 8: Health, Human Services and Elderly Affairs)

**HB 228**, relative to dealing in and possessing prescription drugs by podiatrists. (Emerton, Hills 7; McGuire, Rock 26; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 229**, relative to third person liability under the workers' compensation law. (Herman, Hills 13: Labor, Industrial and Rehabilitative Services)

**HB 230**, relative to scheduled permanent impairment awards under the workers' compensation law. (Clegg, Hills 23; Lasky, Hills 33; Boyce, Belk 5; Boyce, Dist 4: Labor, Industrial and Rehabilitative Services)

**HB 231**, relative to assignment of judges. (Mirski, Graf 12; Bergeron, Hills 24; Dudley, Graf 14; Woods, Straf 11; Salts, Hills 41; Roberge, Dist 9: Judiciary)

**HB 232**, relative to compensability of work-related stress injuries under the workers' compensation act. (Clegg, Hills 23; Hess, Merr 11; Buckley, Hills 44; S. L'Heureux, Merr 11; Francoeur, Dist 14; Eaton, Dist 10; Barnes, Dist 17; Burns, Dist 1; Flanders, Dist 7: Labor, Industrial and Rehabilitative Services)

**HB 233**, amending the duties of the oversight committee for the severely developmentally disabled. (Burnham, Ches 8; Batula, Hills 18; Seldin, Merr 17; Manning, Ches 9; McCarley, Dist 6; Gordon, Dist 2; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 234**, relative to the jurisdiction of the ballot law commission. (Dodge, Rock 4; Case, Rock 2; Barnes, Dist 17: Election Law)

**HB 235**, establishing a committee to study certain mental health systems to address the needs of mentally ill persons in New Hampshire. (Mitchell, Ches 3; Manning, Ches 9; Nordgren, Graf 10: Health, Human Services & Elderly Affairs)

**HB 236**, relative to the registration of deer. (Royce, Ches 9; Leach, Hills 9: Fish and Game)

**HB 237**, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system. (M. Smith, Straf 8; Estabrook, Straf 8; Wheeler, Dist 21; Eaton, Dist 10; Gordon, Dist 2: Education)

**HB 238**, relative to interstate banking. (T. Reardon, Merr 23; Johnson, Dist 3: Commerce)

**HCR 5**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (Patten, Carr 9: State-Federal Relations and Veterans Affairs)

**CACR 6**, relating to proceedings for impeachment of judges. Providing that certain procedures shall be established in the house and senate for the impeachment of a judge. (DiFruscia, Rock 27; Phinizy, Sull 7; Solow, Graf 10: Judiciary)

## RECESS

### (Rep. Whalley in the Chair)

## RESOLUTION

Rep. Varrell offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 239 through 249, Constitutional Amendment Concurrent Resolution numbered 7 and House Concurrent Resolution numbered 6 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HCR and CACR

### First, second reading and referral

**HB 239**, relative to certain vehicle stops made by police officers. (Dickinson, Carr 2: Criminal Justice and Public Safety)

**HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (Burnham, Ches 8; Batula, Hills. 18; Seldin, Merr 17; Manning, Ches 9; McCarley, Dist 6; Gordon, Dist 2; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 241**, establishing the offense of careless and negligent driving. (Milligan, Hills 18; P. Cote, Hills 32; Bartlett, Belk 6; Gleason, Rock 13; Langer, Merr 11; Roberge, Dist 9: Transportation)



**HB 242**, extending the reporting deadlines for certain study committees and commissions. (E. Smith, Ches 6; Leber, Merr 1; Cloutier, Sull 8; Alukonis, Hills 23; Gordon, Dist 2; McCarley, Dist 6: Legislative Administration)

**HB 243**, relative to school bus operation. (O'Connell, Hills 13; Leishman, Hills 13: Transportation)

**HB 244**, establishing a commission to examine the size, compensation, and staff requirements of the legislature. (Lovett, Graf 6; J. Pratt, Ches 2; Sapareto, Rock 13; R. L'Heureux, Hills 18: Legislative Administration)

**HB 245**, relative to the duties and staff of the state geologist. (Dyer, Hills 8; Millham, Belk 4; Cohen, Dist 24: Executive Departments and Administration)

**HB 246**, relative to marriage between first cousins. (Grassie, Straf 19: Children and Family Law)

**HB 247**, relative to the election of county commissioners in Carroll county. (Patten, Carr 9: Municipal and County Government)

**HB 248**, extending for one year the pilot program relative to the administration of medications in residential care facilities. (Stone, Rock 7; Case, Rock 2; Dodge, Rock 4; Chalbeck, Rock 8; Barnes, Dist 17: Health, Human Services and Elderly Affairs)

**HB 249-L**, relative to the records of property tax abatements. (Burnham, Ches 8: Municipal and County Government)

**HCR 6**, urging New Hampshire to use the "precautionary principle" when determining the safety and feasibility of using products, techniques, and technologies. (Owen, Merr 6: Science, Technology and Energy)

**CACR 7**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education. (Pepino, Hills 40; Soltani, Merr 10; L. Christiansen, Hills 23; Roberge, Dist 9; Boyce, Dist 4; Johnson, Dist 3: Finance)

## RECESS

(Rep. Herman in the Chair)

## RESOLUTION

Rep. John W. Flanders, Jr. offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 250 through 264 and House Resolution numbered 6 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HR

### First, second reading and referral

**HB 250**, prohibiting managed care organizations from disqualifying certain entities from their networks. (Martel, Hills 45; P. Katsakiores, Rock 13; Ruffner, Rock 25: Commerce)

**HB 251**, establishing that local zoning ordinances regulating location are applicable to community living facilities. (Pepino, Hills 40; Vaillancourt, Hills 44; L. Johnson, Hills 40; Souza, Hills 40; Buckley, Hills 44; D'Allesandro, Dist 20; O'Neil, Dist 18; Gatsas, Dist 16: Municipal and County Government)

**HB 252**, establishing a committee to study the administrative functions and procedures of the state court system. (Mirski, Graf 12; Guinta, Hills 39; Sova, Graf 11; Alger, Graf 9; Winter, Merr 2; Roberge, Dist 9: Judiciary)

**HB 253-FN**, relative to mercury reductions. (J. Bradley, Carr 8; Norelli, Rock 31; Rodeschin, Sull 4; J. Harris, Sull 11; D. White, Hills 25; Below, Dist 5; Johnson, Dist 3; Disnard, Dist 8; Cohen, Dist 24; Eaton, Dist 10: Environment and Agriculture)

**HB 254**, naming a certain bridge in the town of North Charlestown. (B. Ferland, Sull 6; Phinizy, Sull 7; Disnard, Dist 8: Public Works)

**HB 255**, requiring that body piercing be performed by a licensed physician. (Dalrymple, Rock 26; Emerton, Hills 7: Health, Human Services and Elderly Affairs)

**HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Clegg, Hills 23; Pepino, Hills 40; Thomas, Belk 3; Francoeur, Dist 14: Judiciary)

**HB 257**, relative to disclosure of injuries, medical information, and insurance coverage in claims for bodily injury. (DiFruscia, Rock 27; Bruno, Hills 4; Phinizy, Sull 7; M. Fuller Clark, Rock 36: Commerce)

**HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Nowe, Rock 3; J. Flanders, Rock 18; Below, Dist 5; Larsen, Dist 15; Prescott, Dist 19: Transportation)

**HB 259**, relative to holding sessions for correction of checklists. (F. Davis, Merr 12; Horton, Coos 3; Daneault, Merr 12; Rush, Merr 12: Election Law)

**HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift. (Elliott, Hills 2; Dionne, Hills 1, Wallner, Merr 24; Gile, Merr 16; McCarley, Dist 6; Wheeler, Dist 21: Children and Family Law)

**HB 261-FN**, including the judiciary as a public employer under the public employee labor relations act. (J. Pratt, Ches 2; Craig, Hills 38; Larsen, Dist 15; O'Neil, Dist 18: Labor, Industrial and Rehabilitative Services)

**HB 262**, establishing a commission to study the status of the relationship between physician hospital organizations and independent provider associations. (Bruno, Hills 4: Commerce)

**HB 263**, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk. (J. Bradley, Carr 8; Stevens, Carr 7: Public Works and Highways)

**HB 264**, relative to the state treasurer and relative to certain unclaimed or abandoned property. (Dyer, Hills 8: Commerce)

**HR 6**, recognizing the ancient and aboriginal claim of Indians in the state to hunt and fish. (Kenney, Carr 6: Fish and Game)

## RECESS

(Rep. Mirski in the Chair)

## RESOLUTION

Rep. Sapareto offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 265 through 279 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 265**, prohibiting the sale of rolling papers to minors. (Knowles, Straf 11: Commerce)

**HB 266**, establishing a committee to study recodification of the election laws. (Arndt, Rock 27; F. Davis, Merr 12; Clemons, Hills 31; Weatherspoon, Rock 20: Election Law)

**HB 267**, relative to increasing the membership on the retirement system board of trustees. (Sova, Graf 11; Scovner, Graf 13; Leber, Merr 1: Executive Departments and Administration)

**HB 268**, relative to apportioning presidential electors. (Brewster, Merr 1; Dickinson, Carr 2: Election Law)

**HB 269**, requiring parental consent for tongue piercing. (P. Katsakiores, Rock 13; Emerton, Hills 7; G. Katsakiores, Rock 13: Children and Family Law)

**HB 270-FN**, increasing the mileage reimbursement rate for members of the legislature. (Dickinson, Carr 2; Guay, Coos 6; Burns, Dist 1: Legislative Administration)

**HB 271**, relative to criminal liability for the conduct of another. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 272**, requiring bottled water labels to indicate the source of the water. (Pitts, Rock 35: Commerce)

**HB 273**, relative to the purpose of state jurisdiction of fish and game regulation. (Mock, Carr 3; Dickinson, Carr 2; Nowe, Rock 3; Royce, Ches 9; D'Allesandro, Dist 20; Flanders, Dist 7; Disnard, Dist 8; Gatsas, Dist 16: Fish and Game)



**HB 274-FN**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (J. Bradley, Carr 8; Norelli, Rock 31; D. White, Hills 25; N. Kaen, Straf 7; Lynde, Hills 24; Below, Dist 5; Johnson, Dist 3; Cohen, Dist 24; Eaton, Dist 10; Larsen, Dist 15: Science, Technology and Energy)

**HB 275**, relative to the expenditure of funds received pursuant to the Workforce Investment Act. (Clegg, Hills 23; Sullivan, Carr 2; Francoeur, Dist 14; Eaton, Dist 10: Labor, Industrial and Rehabilitative Services)

**HB 276-FN-A**, relative to reimbursement of legal fees of supreme court employees who retained counsel during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. (Hager, Merr 18; Owen, Merr 6: Finance)

**HB 277-L**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Rodeschin, Sull 4; Gordon, Dist 2: Municipal and County Government)

**HB 278**, naming Langmaid Brook in the town of Pembroke. (F. Davis, Merr 12; Rush, Merr 12; Greco, Merr 12; Daneault, Merr 12: Resources, Recreation and Development)

**HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. (Dyer, Hills 8: Executive Departments and Administration)

#### RECESS

(Speaker Chandler in the Chair)

#### COMMITTEE ASSIGNMENT

Rep. William G. Johnson on Municipal & County Government; off Fish & Game.

#### RECESS

(Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 4

January 25, 2001

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed are You, O God of our fathers and mothers. We acknowledge before You that beginnings aren't all they're cracked up to be, especially if what we end up with doesn't measure up to the dreams with which we began. We ask Your blessing upon this honorable House and upon all the citizens of our beloved New Hampshire. May You give each legislator here both the vision to dream and the wisdom to create a better community for all Your people. Amen.

Rep. Carolyn M. Gargas led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Flanagan, Kennedy and Rabideau, the day, illness.

Reps. Artz, Candace W. Bouchard, Craig, Marilyn Fraser, French, Jeff Gilbert, Hager, Ham, Hamel, Kacavas, Lawton, Letourneau, O'Keefe, Marsha Pelletier, Irene Pratt, Robb, Solow, Teschner, Tholl, Whittemore and Jane Wood, the day, important business.

Reps. Martel and Priestley, the day, illness in the family.

### INTRODUCTION OF GUESTS

Elaine and Gordon Burton, guests of Rep. Ford. Juan Pablo Torres, Juan Pablo Dalmahz, Anna Elizabeth Fotheringham, Maria Eugenia Echazu, Rodrigo Casabella, Yesica Betancourt and Ellen Chase, guests of Rep. Owen. Lynda Hunt, wife of Rep. Hunt.

### COMMUNICATION

January 10, 2001

William M. Gardner, Secretary of State

Gene G. Chandler, Speaker of the House

This is to inform you that I am resigning my seat as State Representative from Hillsborough County District 29, Ward 4 effective 11:59 p.m. on this day.

Tom Alciere, Hills. 29

### VACATE

Rep. Musler moved that the House vacate the reference of **HB 253-FN**, relative to mercury reductions, to the Committee on Environment and Agriculture.

Adopted.

Referred to the Committee on Science, Technology and Energy.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 140**, relative to interest on judgments, removed by Rep. Mock.

Consent Calendar adopted.

**HB 144**, establishing a committee to study the CHINS process. **OUGHT TO PASS**

Rep. Christine M. Furman for Children and Family Law: This is a bill to establish a committee to Study the "CHINS", Children in Need of Services, process. The Children and Family Law Committee feels that this process is important enough to the welfare of New Hampshire's children to warrant the establishment of a committee to study and recommend any changes to the current "CHINS" process. Vote 15-0.

**HB 109**, establishing a committee to study the consumer protection effort in New Hampshire. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: The Consumer Protection Office is contained within the Justice Department. This legislation will allow for a review of the actual needs of the agency in order to provide speedier and more efficient responses to New Hampshire citizens. Vote 12-0.

**HB 142**, establishing a committee to study encryption of confidential information. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: Privacy of information is one of the most difficult and important issues facing the General Court at this time. This legislation will provide a study of the propriety of implementing encoding or enciphering of confidential information. Vote 11-0.

**HB 197**, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. Splaine for Criminal Justice and Public Safety: HB 197 extends the report date for the commission to study methods for reducing violent incidents involving children and guns from November 1, 2000 to June 30, 2001. The committee has amended the bill to extend the date until November 1, 2001. Vote 16-0.

**Amendment (0016h)**

Amend 1999, 322:5 as inserted by section 1 of the bill by replacing it with the following:

322:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before ~~[November 1, 2000]~~ **November 1, 2001**.

**AMENDED ANALYSIS**

This bill extends from November 1, 2000 to November 1, 2001 the reporting date of the commission to study methods for reducing violent incidents involving children and guns established in 1999, 322 (SB 163).

**HB 111**, relative to paper purchased by or for state agencies. **OUGHT TO PASS**

Rep. David G. Poulin for Executive Departments and Administration: The majority of the committee felt that the current RSA, requiring that all specially coated paper purchased for use by state agencies contain 30% post consumer waste, had proven unworkable and created the necessity for a waiver on almost all purchases of these products. This type of product is rarely produced and when available the quality does not meet the standards needed for most copiers and printers. This bill reduces the required content of all coated paper to 10% of post consumer waste, but leaves the requirement for uncoated paper at 30% of post consumer waste. Vote 17-0.

**HB 126-FN**, relative to the board of pharmacy and the regulation of pharmacists. **OUGHT TO PASS**

Rep. Robert K. Dodge for Executive Departments and Administration: The committee overwhelmingly supported the clarification of certain definitions allowing graduates of Canadian colleges of pharmacy to apply directly for examination and licensure. The increase for the per diem compensation was approved and is in compliance with the 125% rule. Vote 17-0.

**HB 204-FN**, relative to loan guarantees by the business finance authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: The Business Finance Authority (BFA) of the State of New Hampshire was organized to encourage business development and job creation in parts of the state that are suffering from a lack thereof. Their main tool is credit enhancement for the businesses willing to locate in the target areas. They use the credit of the state to guarantee part of the business loan required. Many of the qualifying projects are also eligible for other loans and guarantees through such agencies as the Small Business Administration (SBA) and the Granite State Development Council. In working with the SBA a problem arose as to the length of a loan guarantee. SBA and the participating bank wanted a ten-year guarantee. RSA's allowed only five years for the BFA. This bill will allow BFA to extend credit guarantees to ten years as needed, and will enable BFA and SBA to partner in more projects. Some concern was expressed as to the likelihood of this bill increasing demand for BFA help. Since BFA has used only about one third of its \$95 million authority, it is more likely that current rules are too stringent for the agency to fulfill its potential. Passage of this bill will enhance BFA's mission. The bill is fast tracked for a resort in Whitefield where plans need to be finalized soon. Exposure for the state will be \$3 million of a \$12.8 million project. Vote 22-0.

**Amendment (0023h)**

Amend the bill by replacing section 2 with the following:  
2 Effective Date. This act shall take effect upon its passage.

**HB 118**, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: The committee was asked to solve the issue of cross-state border exemption from an immunization requirement due to a medical contraindication. The result: because the bill includes limitations and safeguards, the committee passed HB 118 which allows a physician from a border state to notify the appropriate school board of an exemption, for a limited time, for one disease. Vote 14-0.

**Amendment (0006h)**

Amend the bill by replacing section 1 with the following:

1 Exemptions From Immunization. Amend RSA 141-C:20-c, I to read as follows:

1. A physician licensed under RSA 329, *or a physician exempted under RSA 329:21, III*, certifies that immunization against a particular disease may be detrimental to the child's health. The exemption shall exist only for the length of time, in the opinion of the physician, such immunization would be detrimental to the child. An exemption from immunization for one disease shall not affect other required immunizations.

**HB 117**, establishing a committee to study the adoption of the uniform common interest ownership act. **OUGHT TO PASS**

Rep. Jane Wood for Judiciary: The predecessor to the uniform common interest ownership act was the uniform condominium act, and NH's condominium act is an early version of that. The legislature passed HB 1457 last term to create the same study committee as this bill does; but, because of the senate trial this past summer, the committee was unable to complete the task. This study will thoroughly review our current law in relation to the uniform (nationally recognized) act. It will deal with homeowner association and cooperative planned unit development as well as condominiums. This is a consumer protection issue as well as good planning for future development. Vote 17-0.

**HB 121**, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens. **OUGHT TO PASS**

Rep. Peter F. Bergin for Judiciary: Everyone who testified was in support of this study bill. There are a number of people in the state who are economically deprived due to circumstances including disabilities, mental illness or single-parent income who are in need of legal representation. In addition, the legal assistance fund has been decreasing over the last several years according to testimony received. For these reasons the committee felt it was timely and a legitimate use of resources to study this issue. Vote 13-5.

**HB 128**, prohibiting the right to pass and re-pass from being assigned to successive land owners unless the deed or conveyance specifically provides for reassignment of the right. **INEXPEDIENT TO LEGISLATE**

Rep. Peter R. Leishman for Judiciary: The committee was sympathetic with the sponsor's intentions. However, the bill would radically change the customary and traditional real property deed drafting practices. In existing statute (RSA 477:26), all rights, easements and privileges are transferred with land ownership, unless specifically excluded in the deed. The common granting clause in a deed transferring an interest in real estate, title to land, easements or rights-of-way etc. is that the right will run with the title. This allows subsequent owners to convey by deed or estate what he or she received from the prior owner. If an owner desires to grant a right-of-way to a specified person for his or her use only, or for life, or for a term of years, this provision is commonly written in the document and the right will be limited. Further, HB 128 would be contrary to conventional conveyancing standards adopted throughout the United States. The committee believes this bill is unnecessary. Vote 16-0.

**HCR 1**, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay. **OUGHT TO PASS**



Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The committee was unanimous in supporting this House Concurrent Resolution. The committee heard testimony from veterans groups all favoring this resolution. The committee also agrees that because no other federal employees face a reduction of civil service retirement benefits if they receive compensation for a service-connected disability that our military retirees should be treated like other federal retirees and permit them to receive their service-connected disability compensation without a concurrent deduction from their retirement pay. Vote 15-0.

**HCR 2, urging the federal government to establish a new zip code for the town of Kensington. OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory A. Salts for State-Federal Relations and Veterans Affairs: The committee found compelling evidence that the residents of Kensington would be best served by having their own zip code. In the past, the lack of a zip code has created confusion amongst letter carriers. Therefore, important packages have been late upon arrival, including medication. Although Kensington has been denied a zip code in the past, the committee felt that due to the rapid growth the community now warrants their own zip code. The committee unanimously passed this resolution with an amendment to also include a copy of the resolution to the President of the United States. Vote 15-0.

**Amendment (0013)**

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That copies of this resolution be forwarded by the house clerk to each member of the New Hampshire congressional delegation, the President of the United States, and the United States Postmaster General in Washington, D.C.

**REGULAR CALENDAR**

**HB 135, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Peter F. Bergin for the Majority of Judiciary: Last year HB 1535 and SB 209 were sponsored in response to a conference held by the NH Bar Association at which it was recognized that changes are needed to address the issues of ever increasing appellate cases. Because of the Supreme Court investigation and subsequent trial, both the House and the Senate agreed that a bill would be better addressed this year when more attention could be given to the issue. The Commission will be made up of 13 members. Composition of the committee will be 3 members each from the House and Senate, 2 from the Judiciary, a member of the NH Bar, a member from the Attorney General's office, 2 members appointed by the Governor and a designee of the NH Appellate Defender. The committee has a balance of persons from the legal profession and members of the general public. Vote 14-3.

Rep. Peter R. Leishman for the Minority of the Judiciary: The minority strongly supports judicial reform. However, an amendment that excludes members of the House or Senate because of their particular training or profession as lawyers (members of the Bar) was unacceptable. We feel that all members of the House, whatever their profession, would be of great value to this important issue.

**Amendment (0020h)**

Amend subparagraphs I(a)-(d) as inserted by section 2 of the bill by replacing them with the following:

(a) Three house members, only one of whom may be a member of the bar, appointed by the speaker of the house.

(b) Three senate members, only one of whom may be a member of the bar, appointed by the senate president.

(c) Two members representing the judicial branch: one from the supreme court appointed by the chief justice of the supreme court and one from the superior court appointed by the chief justice of the superior court.

(d) One member of the New Hampshire Bar Association, appointed by the association's president. Adopted.

Rep. Leishman spoke against and yielded to questions.



Rep. Jacobson spoke in favor.

Rep. Mock spoke in favor and yielded to questions.

Rep. Alger requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 296 NAYS 62

### YEAS 296

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Russell, David

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Slatiello, Thomas

Czech, Stanley  
Johnson, William  
Rice, Thomas Jr  
Thomas, John

Dewhirst, Glenn  
Millham, Alida  
Rosen, Ralph  
Wendelboe, Fran

#### CARROLL

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

#### CHESHIRE

Allen, Peter  
Edwards, Dana  
Lambert, Bernard  
Pratt, John  
Smith, Edwin

Avery, Stephen  
Emerson, Susan  
Manning, Joseph  
Richardson, Barbara  
Weed, Charles

Batchelder, Robert  
Fairbanks, Chandler  
McGuirk, Paul  
Roberts, William  
Zerba, Roger

Dexter, Judson  
Hunt, John  
Meador, David  
Royce, H Charles

#### COOS

Bradley, Paula  
Horton, Lynn  
Stohl, Eric

Davis, Perley  
Landers, Dana  
Woodward, David

Gallus, John  
Mears, Edgar

Guay, Lawrence  
Pratt, Leighton

#### GRAFTON

Akins, Ralph  
Cobb, John  
Gabler, William  
Marshall, Gene  
Pawlek, Marion  
Sova, Charles

Alger, John  
Cooney, Mary  
Gilman, G Michael  
Mirski, Paul  
Scanlan, David  
Ward, Brien

Almy, Susan  
Dudley, Terri  
Giuda, Robert  
Naro, Debra  
Scovner, Nancy  
Williams, Burton

Barker, Robert  
Eaton, Stephanie  
Lovett, Sid  
Nordgren, Sharon  
Sokol, Hilda

#### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bellavance, Paul  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Daigle, Robert  
Dyer, Merton  
Fields, Dennis  
Foster, Linda  
Golding, William  
Guinta, Frank  
Holden, Randolph  
Johnson, Lionel  
LaFlamme, Paul  
Lessard, Rudy  
Mercer, Robert

Alukonis, David  
Balcom, John  
Bergeron, Jean-Guy  
Bragdon, Peter  
Carlson, Donald  
Clayton, William  
Desrosiers, William  
Eaton, Richard  
Fletcher, Richard  
Furman, Christine  
Goley, Jeffrey  
Haley, Robert  
Hopper, Gary  
Konys, Christine  
LaRose, Richard  
Lynde, Harold  
Messier, Irene

Andosca, Mary  
Baroody, Benjamin  
Bergin, Peter  
Brundige, Robert  
Chabot, Robert  
Clegg, Robert Jr  
Dionne, Kimberley  
Elliott, Larry  
Flora, Kathleen  
Gargas, Carolyn  
Graham, John  
Hall, Charles  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
Martin, Mary Ellen  
Milligan, Robert

Arnold, Thomas Jr  
Batula, Peter  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Cote, Peter  
Drisko, Richard  
Emerton, Lawrence Sr  
Ford, Nancy  
Ginsburg, Ruth  
Greenberg, Gary  
Herman, Keith  
Jean, Loren  
L'Heureux, Robert  
Leach, Edward  
McDonough-Wallace, Alice  
Moran, Edward

O'Connell, Timothy  
 Pepino, Leo  
 Seibel, Christopher  
 Tahir, Saghir  
 Vaillancourt, Steve

Palangas, Eric  
 Reeves, Sandra  
 Shaw, Barbara  
 Tate, Joan  
 White, Donald

Pappas, Marc  
 Salts, Greg  
 Spiess, Paul  
 Thompson, Rob  
 White, John

Patria, Bonnie  
 Sargent, Maxwell  
 Sweeney, Cynthia  
 Thulander, O Alan

### MERRIMACK

Anderson, Eric  
 Daneault, Gabriel  
 Gile, Mary  
 L'Heureux, Stephen  
 MacKay, James  
 Rush, Deanna  
 Winter, Steven

Brewster, Richard  
 Davis, Frank  
 Greco, Vincent  
 Langer, Ray  
 Maxfield, Roy  
 Soltani, Tony

Colcord, J D  
 Feuerstein, Martin  
 Hutchinson, John  
 Leber, William  
 Poulin, David  
 Swindlehurst, John

Cummings, Raymond  
 Fraser, Leo Jr  
 Jacobson, Alf  
 Lockwood, Priscilla  
 Rodd, Beth  
 Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
 Bridle, Russell  
 Chalbeck, Kevin  
 Cox, Russell  
 Dodge, Robert  
 Flanders, John Sr  
 Gleason, John  
 Holland, James Jr  
 Johnson, Robert  
 Kelley, Jane  
 Langone, John  
 Mackowski, Walter  
 Packard, Sherman  
 Quandt, Marshall  
 Ruffner, Walter  
 Stone, Joseph  
 Weatherspoon, Jacquelyne  
 Woekel, Ralph

Belanger, Ronald  
 Camm, Kevin  
 Clark, Vivian  
 Dalrymple, Janeen  
 Dowling, Patricia  
 Francoeur, Sheila  
 Griffin, Mary  
 Hutchinson, Karen  
 Johnson, Rogers  
 Kelley, William  
 Major, Norman  
 Moore, Benjamin  
 Pitts, Jacqueline  
 Quandt, Matthew  
 Sapareto, Frank  
 Stritch, C Donald  
 Welch, David  
 Zolla, William

Bishop, Franklin  
 Carson, Sharon  
 Cooney, Richard  
 Dearborn, Bruce  
 Downing, Michael  
 Gilbert, Karl  
 Henderson, Warren  
 Introne, Robert  
 Katsakiores, George  
 Kobel, Rudolph  
 McGuire, Robert  
 Morse, Charles  
 Power, Lucille  
 Rausch, James  
 Shultis, Elizabeth  
 Trueman, Raymond  
 Weyler, Kenneth

Bowles, Raimond  
 Case, Margaret  
 Corbin, Corey  
 DiFruscia, Anthony  
 Fesh, Bob  
 Giordano, Ronald  
 Hill, Jonathan  
 Itse, Daniel  
 Katsakiores, Phyllis  
 Langley, Jane  
 McKinney, Betsy  
 Nowe, Ronald  
 Putnam, Ed II  
 Robertson, Carl  
 Sloan, Stephen  
 Varrell, Thomas  
 Whittier, John

### STRAFFORD

Albert, Russell  
 Dunlap, Patricia  
 Harrington, Michael  
 Lachance, Douglas  
 Reid, Christopher  
 Tsiros, William

Brennan, William  
 Ferland, Paul  
 Heon, Richard  
 McCarthy, Gerald  
 Rollo, Michael  
 Twombly, James

Callaghan, Frank  
 Goodwin, Earle  
 Johnson, Nancy  
 Pelletier, Arthur  
 Snyder, Clair  
 Wall, Janet

Cossette, Larry  
 Grassie, Anne  
 Kaen, Naida  
 Proulx, Raymond  
 Taylor, Kathleen  
 Woods, Phyllis

### SULLIVAN

Burling, Peter  
 Franklin, Peter  
 Leone, Richard

Cloutier, John  
 Harris, Joseph  
 Odell, Bob

Ferland, Brenda  
 Harris, Sandra  
 Rodeschin, Beverly

Flint, Gordon Sr  
 Jones, Constance

### NAYS 62

### BELKNAP

None

Lyman, L Randy

### CARROLL

### CHESHIRE

Burnham, Daniel

Espiefs, Peter

Mitchell, McKim

Russell, Ronald

### COOS

Rodrigue, Robert

Rozek, Michael

**GRAFTON**

Benn, Bernard

**HILLSBOROUGH**

Buckley, Raymond  
Coughlin, Pamela  
Dwyer, Paul  
Keye, Harvey  
McRae, Karen  
Peterson, Andrew  
Williams, Carol

Cardin, Lori  
Dokmo, Cynthia  
Gorman, Mary  
Lefebvre, Roland  
Melcher, Harold  
Rowe, Robert

Clemons, Jane  
Drabinowicz, A Theresa  
Goulet, Maurice  
Leishman, Peter  
Movsesian, Lori  
Schulze, Joan

Cote, David  
Duval, Jeffrey  
Hall, Betty  
McHugh, Claire  
Panagopoulos, Nicholas  
Wheeler, Robert

**MERRIMACK**

Clarke, Claire  
Reardon, Tara

Moore, Carol  
Seldin, Gloria

Owen, Derek  
Wallner, Mary Jane

Potter, Frances  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Micklon, Stephanie  
Splaine, James

Clark, Martha Fuller  
Norelli, Terie

Coes, Betsy  
Pantelakos, Laura

Kane, Cecelia  
Saia, Pamela

**STRAFFORD**

Berube, Roger  
Hughes, Christopher  
Smith, Marjorie

Brown, Julie  
Knowles, William  
Spang, Judith

DeChane, Marlene  
Lent, Donald  
Woodill, Rodney

Estabrook, Iris  
Musler, George

**SULLIVAN**

Phinizy, James

and the majority report was adopted.  
Ordered to third reading.

Reps. Lyman and Rowe voted yea and intended to vote nay.

**HB 140, relative to interest on judgments. OUGHT TO PASS**

Rep. James W. Craig for Judiciary: In civil lawsuits in New Hampshire, interest is awarded to a winning party from the date that the suit is filed. This is to compensate a prevailing party for the loss of the use of that money and to encourage settlement. The award of interest is codified in two statutes, RSA 524:1-b and RSA 527:10. These statutes create a gap in the award of interest between the time of verdict and the time of judgment. This bill simply closes that gap and is meant to be a technical correction. Vote 17-1.

Rep. Mock moved Re-commit to Committee and spoke in favor.

Adopted.

**RESOLUTION**

The late filing having been approved by the Rules Committee, Reps. Scanlan and Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the clerk, House Resolution 7 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF HR 7****First and second reading**

**HR 7**, relative to the Society for the Protection of New Hampshire Forests. (Scanlan, Graf 11; et al)

**SUSPENSION OF RULES**

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit consideration at the present time, without the proper printing, referral and hearing of **HR 7**, relative to the Society for the Protection of New Hampshire Forests.

Reps. Scanlan and Burling spoke in favor.

Adopted by the necessary two-thirds.

## CONSIDERATION OF HR 7

**HR 7**, relative to the Society for the Protection of New Hampshire Forests.

Rep. Scanlan moved Ought to Pass.

Reps. Scanlan and Burling spoke in favor.

Motion adopted and ordered to third reading.

## AMENDMENT TO HOUSE RULES

Rep. Herman offered the following floor amendment:

### Floor Amendment (0039h)

Amend House Rule 35 as follows:

35. (a) Rule 64 shall set the first day to file requests for drafting of bills with the Office of Legislative Services, including all supplementary or necessary drafting information[, for introduction in the first-year or second-year session]. The Office of Legislative Services shall identify LSRs in language which makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published by the Office of Legislative Services. The Speaker of the House shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the Office of Legislative Services.

(b) The Office of Legislative Services shall not accept a request to draft any bill which is the same, or essentially the same, as any other drafting request already accepted[ ~~in the same session~~]. If duplicate or similar legislation is requested, the Director of Legislative Services shall notify the sponsors of each filing request and mediate an agreement for the filing of a single bill. Filing requests resulting from legislative committee work shall take precedence over all other duplicate or similar filings. The name of the House member whose LSR request is denied due to duplication may be substituted on request for that of the original sponsor if the original sponsor withdraws the drafting request prior to the sign-off deadline.

(c) Notwithstanding (a) and (b), ~~[any member may have]~~ legislation *may be* drafted and introduced upon receiving approval of a majority vote of the House Rules Committee *on the request of any member based on urgent or compelling need or events unforeseen prior to the filing deadline, or on the request of the majority of any policy committee*, or by a two-thirds vote of those House members present and voting.

(d) First-year session:

In the first-year session, there shall be no limitation on the subject matter of legislation introduced. As soon as possible after the end of the first-year session, the Clerk shall publish in the House Calendar those bills voted inexpedient to legislate[, ~~for indefinitely postponed~~ ~~or re-referred in the first-year session, and~~] those bills which created study committees with November 1 reporting deadlines *and those bills retained in committee for action*. The listings shall be in numerical order by bill number/title, and in committee order by bill number/title.

(e) Second-year session:

In the second-year session, no bill or resolution shall be introduced if it is substantially similar to any legislation which was indefinitely postponed or voted inexpedient to legislate by the House in the first-year session, unless it has been approved by a majority of the House Rules Committee or a two-thirds vote of those House members present and voting, whether as a bill, an amendment, a committee of conference report or in any other manner. A request shall not be accepted to draft any bill which is the same, or essentially the same, as any bill voted inexpedient to legislate, indefinitely postponed, ~~[re-referred, or]~~ made the subject of a statutory study committee in the first-year session, *or retained in committee for action*, unless approved for drafting and introduction by a majority vote of the House Rules Committee or a two-thirds vote of those House members present and voting.

Amend House Rule 44 as follows:

44.(a) All bills in the possession of committees shall be reported out by the date specified in Rule 64 with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, ~~[Re-refer to Committee,]~~ Inexpedient to Legislate, Refer for Interim Study, or Recommended but to be Laid Upon the Table Because of Funding. ~~[Re-refer to Committee shall be a committee report only in the first-year session;]~~ *All bills retained by a vote of the committee for action in the second year session shall be included on a list provided to the House Clerk on or prior to the deadlines specified in Rule 64.* Refer for Interim Study shall be a committee report only in the second-year session. The Committee, as its Interim Study final report, shall submit its findings and any recommendations.



(b) All committee reports on bills shall be printed in the House Calendar at least once prior to the date listed for floor action. If a bill is reported favorably with an amendment, the committee report shall describe the bill as amended. The amendment shall be printed in the House Calendar.

(c) ~~[If a bill is reported Re-refer to Committee, it shall read Re-refer to Committee for action in the second-year session. The report on a re-referred bill shall contain an explanation of the issue(s) which require(s) review. Bills which have been re-referred to the Finance Committee may be referred by the Speaker to the original committee to which it was assigned when the House adjourned from the first session. All bills re-referred in the first-year session.]~~ *All bills retained in committee for action* shall be acted on ~~[by the third legislative day of]~~ *during* the second-year session.

(d) No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of Part I, Article 28-a of the N.H. Constitution. The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Amend House Rule 64 to read as follows:

64. Legislative action in the first-year session shall be subject to the following deadlines:

December 22, 2000, Friday,	Last day to file LSRs with complete information. by 3:00 p.m.
January 19, 2001, Friday	Last day to sign-off all bills with fiscal notes.
January 26, 2001, Friday	Last day to sign-off all other House bills.
February 8, 2001, Thursday	Last day to introduce all House bills.
March 14, 2001, Wednesday	Last day to report House FN bills referred to a second committee.
March 22, 2001, Thursday	Last day to act on House FN bills being referred to a second committee.
April 11, 2001, Wednesday	Last day to report all House FN bills and budgets
April 19, 2001, Thursday	Last day to act on all House FN bills and budgets. Last day to hold public hearings on all House bills retained in committee. Last day for committees to report list of retained House bills.
April 23, 2001, Monday	Supplemental LSR filing period opens.
April 27, 2001, Friday, by noon	Last day to file supplemental LSRs with complete committee information.
May 9, 2001, Wednesday	Last day to report Senate bills referred to a second committee.
May 17, 2001, Thursday	Last day to act on Senate bills being referred to a second committee.
May 25, 2001, Friday	Last day to sign-off all supplemental bills.
May 30, 2001, Wednesday	Last day to report all Senate bills for action in the first-year session. Last day for committees to report list of retained Senate bills.
June 7, 2001, Thursday	Last day to act on all Senate bills in the first-year session. Supplemental day to amend House Rules by Majority vote.
June 13, 2001, Wednesday	Last day to form committees of conference.
June 20, 2001, Wednesday	Last day to sign committee of conference reports. by 5:00 p.m.
June 26, 2001, Tuesday	Last day to act on committee of conference reports Last day to introduce supplemental bills.

Rep. Herman spoke in favor and yielded to questions.

Reps. Betty B. Hall and Vaillancourt spoke against.

Rep. Phinizy spoke against and yielded to questions.

Reps. Avery, Mirski and Jacobson spoke in favor.

Adopted.

**RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 8, 2001 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 144**, establishing a committee to study the CHINS process.

**HB 109**, establishing a committee to study the consumer protection effort in New Hampshire.

**HB 142**, establishing a committee to study encryption of confidential information.

**HB 197**, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns.

**HB 111**, relative to paper purchased by or for state agencies.

**HB 126-FN**, relative to the board of pharmacy and the regulation of pharmacists.

**HB 204-FN**, relative to loan guarantees by the business finance authority.

**HB 118**, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization.

**HB 117**, establishing a committee to study the adoption of the uniform common interest ownership act.

**HB 121**, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens.

**HCR 1**, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay.

**HCR 2**, urging the federal government to establish a new zip code for the town of Kensington.

**HB 135**, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

**HR 7**, relative to the Society for the Protection of New Hampshire Forests.

**UNANIMOUS CONSENT**

Rep. Jacobson addressed the House.

The Chair ordered that the remarks made by Rep. Jacobson be printed in the Journal.

Adopted.

Thank you, Mr. Speaker. I want to guarantee you that I don't come here three times every day. I did want to say a word of thanks for Sandy Guinan who worked up on the fourth floor of the LOB for 18 years. She was a Colby Sawyer graduate, but more than that she was of great assistance to me and to many others and I wanted to simply thank her publicly for her long term service to the members of the House. Thank you.

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 12:10 p.m.

**RECESS**

**(Rep. Herman in the Chair)**

**RESOLUTION**

Rep. Kurk offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 280 through 299, and 301 through 348 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

## First, second reading and referral

**HB 280-FN**, transferring the responsibility and authority of the judicial conduct committee and the attorney's professional conduct committee to the legislature. (Mirski, Graf 12; Alger, Graf 9; Thompson, Hills 47; Guinta, Hills 39; Sova, Graf 11: Judiciary)

**HB 281-FN**, establishing an independent administrative office of the courts. (Mirski, Graf 12; Alger, Graf 9: Judiciary)

**HB 282-FN-L**, enabling political subdivision employers to establish minimum hours of service for optional membership in the retirement system by political subdivision employees. (Gorman, Hills 29; D. Cote, Hills 29: Executive Departments and Administration)

**HB 283-FN**, establishing a low-digit plate lottery for plates reacquired by the department of safety and for low-digit plates not yet issued by the department. (J. Bradley, Carr 8; Soltani, Merr 10; Roberge, Dist 9: Transportation)

**HB 284-FN**, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants. (J. Bradley, Carr 8; Norelli, Rock 31; D. White, Hills 25; N. Kaen, Straf 7; Thomas, Belk 3; Johnson, Dist 3; Cohen, Dist 24; Below, Dist 5; Eaton, Dist 10; Larsen, Dist 15: Science, Technology and Energy)

**HB 285-FN-L**, relative to the adoption of a state building code. (Clegg, Hills 23; Francoeur, Dist 14: Municipal and County Government)

**HB 286-FN-L**, relative to the calculation of the adequate education grant amount. (Sapareto, Rock 13; D. White, Hills 25: Finance)

**HB 287-FN-L**, relative to provision of a drivers training program before certain persons can be required to undergo drivers license reexamination. (Marshall Quandt, Rock 20; Mirski, Graf 12; Weyler, Rock 18; Matthew Quandt, Rock 20: Transportation)

**HB 288-FN**, relative to the licensure of interpreters for the deaf and hard of hearing. (Burnham, Ches 8; Leber, Merr 1; Dickinson, Carr 2; Millham, Belk 4; Emerton, Hills 7; D'Allesandro, Dist 20; McCarley, Dist 6; O'Hearn, Dist 12; Wheeler, Dist 21: Executive Departments and Administration)

**HB 289-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. (Clegg, Hills 23; Gilman, Graf 1; Clemons, Hills 31; Nowe, Rock 3; Alukonis, Hills 23; Barnes, Dist 17; Francoeur, Dist 14; Gordon, Dist 2; Roberge, Dist 9; Eaton, Dist 10: Children and Family Law)

**HB 290-FN-L**, relative to eliminating adequate education grant weighting for free and reduced-price meals and relative to modifying the formula for weighting certain home schooled pupils. (Weyler, Rock 18; Cox, Rock 24; Langley, Rock 24; Ruffner, Rock 25; Rabideau, Rock 16: Education)

**HB 291-FN-L**, revising the procedure for determining the cost of an adequate education. (Pepino, Hills 40; Christiansen, Hills 23; Boyce, Belk 5; Soltani, Merr 10; Boyce, Dist 4; Roberge, Dist 9; Johnson, Dist 3: Finance)

**HB 292-FN**, relative to the travel allowance for members of the general court. (Arnold, Hills 20: Legislative Administration)

**HB 293-FN-A**, authorizing the production of industrial hemp. (Owen, Merr 6: Environment and Agriculture)

**HB 294-FN**, excluding certain pension income from household income for purposes of determining education property tax hardship relief. (Cox, Rock 24; Langley, Rock 24; Alger, Graf 9; Leone, Sull 2; Shultis, Rock 33; Cohen, Dist 24: Ways and Means)

**HB 295-FN**, relative to medicaid recoveries from third party settlements. (Emerton, Hills 7: Finance)

**HB 296-FN**, relative to receiving stolen property. (Flora, Hills 15; Rodd, Merr 3; Pignatelli, Dist 13: Criminal Justice and Public Safety)

**HB 297-FN-L**, eliminating excess education property tax payments. (Pepino, Hills 40; Dickinson, Carr 2; Salts, Hills 41; Soltani, Merr 10; Boyce, Dist 4; Roberge, Dist 9; Johnson, Dist 3: Ways and Means)

**HB 298-FN-L**, relative to charter schools. (Hunt, Ches 10; O'Hearn, Dist 12: Education)

**HB 299-FN**, relative to telephone solicitation and the creation of a "no sales solicitation calls" list of consumers. (McRae, Hills 7; Estabrook, Straf 8; Gile, Merr 16; Bruno, Hills 4: Commerce)



**HB 301-FN**, requiring that the department of corrections be charged the lowest rate for inmates who need medical services within the community. (C. Bouchard, Merr 22; Francoeur, Rock 22; E. Smith, Ches 6; Larsen, Dist 15; Gordon, Dist 2: Criminal Justice and Public Safety)

**HB 302-FN**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage. (Dyer, Hills 8: Executive Departments and Administration)

**HB 303-FN-A-L**, relative to funding of training and certification of firefighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees. (Dyer, Hills 8; Clegg, Hills 23; Goley, Hills 37; Welch, Rock 18; Thulander, Hills 6; Klemm, Dist 22; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

**HB 304-FN**, relative to insurance coverage for prostate cancer testing. (Poulin, Merr 14: Commerce)

**HB 305-FN-A**, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief. (Mock, Carr 3: Fish and Game)

**HB 306-FN**, relative to driver education training reimbursement. (Gleason, Rock 13; G. Katsakiores, Rock 13; P. Cote, Hills 32; Major, Rock 16; Gordon, Dist 2: Transportation)

**HB 307-FN-A**, increasing the tax on beer and wine. (R. Eaton, Hills 21: Commerce)

**HB 308-FN**, relative to administrative fees added to restitution payments. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 309-FN**, relative to the registration of radon testers and mitigators. (J. Bradley, Carr 8; Larsen, Dist 15: Executive Departments and Administration)

**HB 310-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. (Weyler, Rock 18: Finance)

**HB 311-FN-A**, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. (Philbrick, Carr 4; Patten, Carr 9; Below, Dist 5; Johnson, Dist 3: Municipal and County Government)

**HB 312-FN**, increasing the agent fee for fish and game licenses. (Dickinson, Carr 2; Nowe, Rock 3; Sullivan, Carr 2; Mirski, Graf 12; Johnson, Dist 3: Fish and Game)

**HB 313-FN**, limiting access to certain business records. (Dickinson, Carr 2; Sullivan, Carr 2; Kenney, Carr 6; Avery, Ches 8; Mock, Carr 3: Commerce)

**HB 314-FN**, relative to administrative rules governing privacy. (Dickinson, Carr 2; Kurk, Hills 5; Batchelder, Ches 2; Millham, Belk 4; Gilmore, Straf 11: Executive Departments and Administration)

**HB 315-FN**, relative to the registration of criminal offenders. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 316-FN**, establishing the position of state energy manager. (Langley, Rock 24; Belanger, Rock 26; Norelli, Rock 31: Science, Technology and Energy)

**HB 317-FN**, revising the New Hampshire Aeronautics Act. (Milligan, Hills 18: Science, Technology and Energy)

**HB 318-FN-L**, relative to payment of group health insurance premiums for eligible retired political subdivision members of the retirement system. (Zolla, Rock 13; Letourneau, Rock 13; Dowling, Rock 13: Executive Departments and Administration)

**HB 319-FN**, including a fetus in the definition of "another" for the purpose of negligent homicide. (Souza, Hills 40; Pepino, Hills 40; Lachance, Straf 15; Salts, Hills 41; Albert, Straf 17; Roberge, Dist 9: Criminal Justice and Public Safety)

**HB 320-FN**, relative to leasing certain portions of railroad properties. (Leber, Merr 1; Guay, Coos 6; C. Bouchard, Merr 22; Shultis, Rock 33; Whittemore, Merr 13: Transportation)

**HB 321-FN**, relative to certain construction projects in Rollinsford. (Rollo, Straf 10: Public Works and Highways)

**HB 322-FN-L**, establishing a maximum per pupil amount for high school tuition contracts. (Gilman, Graf 1: Education)

**HB 323-FN-L**, relative to eligibility for payment of medical insurance premiums for retired group I teachers. (Buckley, Hills 44: Executive Departments and Administration)

**HB 324-FN**, relative to the classification of certain service of correctional line personnel as group II service and making an appropriation therefor. (Marshall Quandt, Rock 20; Proulx, Straf 12: Executive Departments and Administration)

**HB 325-FN**, relative to certain acts of sexual assault. (O'Keefe, Rock 21; Flora, Hills 15; Rodd, Merr 3; Knowles, Straf 11; Sargent, Hills 3: Criminal Justice and Public Safety)



- HB 326-FN-A**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)
- HB 327-FN**, relative to review of final proposed rules under the administrative procedures act. (Pappas, Hills 48; Herman, Hills 13: Executive Departments and Administration)
- HB 328-FN-L**, relative to fees of sheriffs and deputy sheriffs. (Welch, Rock 18; Flanagan, Rock 14; Belanger, Rock 26; Nowe, Rock 3; Johnson, Dist 3: Judiciary)
- HB 329-FN-L**, relative to school safety. (Estabrook, Straf 8: Education)
- HB 330-FN-L**, relative to meetings requested of municipal governing bodies. (B. Moore, Rock 21 Municipal and County Government)
- HB 331-FN-L**, relative to payment of the medical insurance premium subsidy for a family plan for eligible retirees in the New Hampshire retirement system. (Whalley, Merr 5: Executive Departments and Administration)
- HB 332-FN-L**, permitting emergency medical care providers to make death pronouncements, relative to payment of autopsy expenses, and eliminating a requirement for an investigation by the medical examiner. (Kacavas, Hills 37: Health, Human Services and Elderly Affairs)
- HB 333-FN-A**, relative to the rate of the real estate transfer tax. (Mirski, Graf 12; Dokmo, Hills 14; Poulin, Merr 14: Ways and Means)
- HB 334-FN-A**, adopting a single sales factor method of apportionment under the business profits tax. (Mercer, Hills 27; J. Bradley, Carr 8: Ways and Means)
- HB 335-FN**, relative to the uniform fine schedule for motor vehicle violations. (Bruno, Hills 4: Transportation)
- HB 336-FN-A**, making capital appropriations to the university system of New Hampshire. (J. Bradley, Carr 8; Scanlan, Graf 11; Burling, Sull 1; M. Smith, Straf 8; Henderson, Rock 20; Thomas, Belk 3, Peterson, Hills 8, Wall, Straf 9, Wheeler, Dist 21; Eaton, Dist 10; Gordon, Dist 2; O'Hearn, Dist 12; D'Allesandro, Dist 20: Public Works and Highways)
- HB 337-FN**, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission. (Thomas, Belk 3: Science, Technology and Energy)
- HB 338-FN-A**, increasing the rate of the meals and rooms tax. (Bickford, Straf 1; Vaillancourt, Hills 44: Ways and Means)
- HB 339**, prohibiting the taking of deer by baiting. (Mock, Carr 3; Royce, Ches 9; Babson, Carr 5; J. Pratt, Ches 2; Roberge, Dist 9; Johnson, Dist 3: Fish and Game)
- HB 340-FN**, requiring parental notification when a person under the age of 18 receives a penalty for a traffic law violation. (Burnham, Ches 8: Transportation)
- HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system. (Marshall Quandt, Rock 20: Executive Departments and Administration)
- HB 342-FN**, relative to the enforcement of applicable law and rules concerning contractors for appraisals of taxable property. (Nowe, Rock 3; Lachance, Straf 15; Souza, Hills 40; Vaillancourt, Hills 44: Municipal and County Government)
- HB 343-FN-L**, relative to certain individuals taken into protective custody. (Allen, Ches 7: Criminal Justice and Public Safety)
- HB 344-FN**, establishing a state office of privacy. (Kurk, Hills 5: Executive Departments and Administration)
- HB 345**, requiring hospitals to maintain permanent medical records of stillborn infants. (Torressen, Carr 10: Health, Human Services & Elderly Affairs)
- HB 346-FN**, relative to requirements for medical examination and determination of gainful occupation for group II retirees injured in the performance of duty. (M. Fuller Clark, Rock 36: Labor, Industrial and Rehabilitative Services)
- HB 347-FN**, relative to terminal pay for certain state officials or employees. (Clegg, Hills 23: Labor, Industrial and Rehabilitative Services)
- HB 348-FN**, prohibiting the land application of sludge in certain excavation areas. (B. Hall, Hills 20; Messier, Hills 46: Environment and Agriculture)

## (Speaker Chandler in the Chair)

## RESOLUTION

Rep. Mercer offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 349 through 381 and House Concurrent Resolution numbered 7 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HCR

## First, second reading and referral

**HB 349-L**, relative to parental choice in public education. (Itse, Rock 11; Matthew Quandt, Rock 20; Nowe, Rock 3; G. Katsakiores, Rock 13; Gilman, Graf 1; Boyce, Dist 4: Education)

**HB 350-FN**, relative to persons with disabilities participating in the work incentive program. (Batula, Hills 18; Wallner, Merr 24; Emerton, Hills 7; C. Moore, Merr 19; Hager, Merr 18; Manning, Ches 9, O'Hearn, Dist 12; Larsen, Dist 15; D'Allesandro, Dist 20; Burns, Dist 1, Gatsas, Dist 16: Health, Human Services and Elderly Affairs)

**HB 351-FN-A-L**, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. (Henderson, Rock 20: Finance)

**HB 352**, limiting railroad liability for passenger rail service. (Bergin, Hills 16; Wall, Straf 9; Ford, Hills 28; G. Katsakiores, Rock 13: Judiciary)

**HB 353-FN-A**, relative to diversified agricultural development, and making an appropriation therefor. (Robb, Sull 11; Babson, Carr 5; Scanlan, Graf 11; Gordon, Dist 2; Disnard, Dist 8: Environment and Agriculture)

**HB 354-FN-A-L**, extending the kindergarten construction program. (A. Pelletier, Straf 12; Splaine, Rock 34; D. White, Hills 25; N. Johnson, Straf 5: Finance)

**HB 355**, relative to the contents of the department of education report on the condition of education statewide. (A. Pelletier, Straf 12; Gorman, Hills 29; Brennan, Straf 16: Education)

**HB 356**, prohibiting persons convicted of any criminal offense or found guilty of violating any law governing gambling conducted by charitable organizations from participating in the conduct of lucky 7 or sale of lucky 7 tickets. (Pantelakos, Rock 30: Criminal Justice and Public Safety)

**HB 357**, relative to periodic payments of judgments. (Babson, Carr 5: Judiciary)

**HB 358-FN**, relative to tolls on the Everett turnpike. (Milligan, Hills 18; Brundige, Hills 18: Public Works and Highways)

**HB 359-FN**, requiring data collected by state agencies to be analyzed relative to age and gender. (M. Fuller Clark, Rock 36: Executive Departments and Administration)

**HB 360**, establishing terms for the offices of administrative judges of the courts. (Rowe, Hills 14: Judiciary)

**HB 361**, establishing a committee to study certain policies and procedures in the department of corrections. (Rodd, Merr 3; Welch, Rock 18; Sargent, Hills 3: Criminal Justice and Public Safety)

**HB 362-FN**, regulating the practice of adjunctive therapy for animals. (Taylor, Straf 11; E. Smith, Ches 6; Babson, Carr 5; Weatherspoon, Rock 20; Wheeler, Dist 21; Roberge, Dist 9: Executive Departments and Administration)

**HB 363**, relative to buildings damaged or destroyed by arson. (Rowe, Hills 14: Criminal Justice and Public Safety)

**HB 364**, eliminating straight ticket voting. (Vaillancourt, Hills 44; Messier, Hills 46; Taylor, Straf 11; Gilmore, Straf 11; Manning, Ches 9: Election Law)

**HB 365-L**, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes. (Sloan, Rock 12; Barnes, Dist 17: Municipal and County Government)

**HB 366**, relative to antique former military vehicles. (Bishop, Rock 12; W. Kelley, Rock 12; Barnes, Dist 17: Transportation)

**HB 367-L**, relative to the establishment of a town forest in the town of Randolph. (P. Bradley, Coos 6; Guay, Coos 6; Royce, Ches 9; Scanlan, Graf 11; Burns, Dist 1; Johnson, Dist 3: Resources, Recreation and Development)

**HB 368**, relative to the time for processing absentee ballots. (McRae, Hills 7: Election Law)

**HB 369**, relative to driving in highway construction and maintenance areas. (Calawa, Hills 17: Transportation)

**HB 370**, relative to the regulation of the trapping by the fish and game department. (Scanlan, Graf 11; Stohl, Coos 1: Fish and Game)

**HB 371**, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant. (Dyer, Hills 8: Executive Departments and Administration)

**HB 372**, requiring prepaid home heating oil delivery companies to be bonded. (F. Davis, Merr 12; Greco, Merr 12; Daneault, Merr 12; Rush, Merr 12: Commerce)

**HB 373**, relative to requirements for a private detective's license. (Bartlett, Belk 6; Lyman, Carr 5: Executive Departments and Administration)

**HB 374**, establishing a committee to study the assessment of surcharges on pay telephone use. (Pawlek, Graf 14: Science, Technology and Energy)

**HB 375**, making technical corrections in the tax laws. (Alukonis, Hills 23: Ways and Means)

**HB 376**, allowing county commissioners serving 4-year terms to vote at state party conventions. (Patten, Carr 9: Election Law)

**HB 377**, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney. (Dokmo, Hills 14; Leone, Sull 2; Rowe, Hills 14: Judiciary)

**HB 378**, requiring organizations engaged in the conduct of charitable gambling to reserve at least 80 percent of the revenue for use within New Hampshire. (Pantelakos, Rock 30: Ways and Means)

**HB 379**, apportioning the executive council districts. (Chandler, Carr 1; Klemm, Dist 22: Election Law)

**HB 380**, apportioning county commissioner districts. (Chandler, Carr 1; Klemm, Dist 22: Election Law)

**HB 381**, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council. (Leishman, Hills 13: Municipal and County Government)

**HCR 7**, urging the federal government to allow a deduction for personal credit card interest from the federal income tax. (Marshall Quandt, Rock 20; Matthew Quandt, Rock 20: State-Federal Relations and Veterans Affairs)

## RECESS

### (Rep. Francoeur in the Chair)

## RESOLUTION

Rep. Horton offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 382 through 399 and 401 through 408, House Concurrent Resolutions numbered 8 and 9, House Joint Resolution numbered 2 and Constitutional Amendment Concurrent Resolution numbered 8, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HCRs, HJR and CACR

### First, second reading and referral

**HB 382**, relative to the office of the governor and the right-to-know law. (Wendelboe, Belk 2: Judiciary)

**HB 383**, making the state courts subject to the right-to-know law. (Wendelboe, Belk 2: Judiciary)

**HB 384**, relative to political expenditures. (Avery, Ches 8; Guinta, Hills 39; Eaton, Dist 10; Fernald, Dist 11; Below, Dist 5: Election Law)

**HB 385**, changing the name, membership and duties of the office of volunteerism. (Peterson, Hills 8; Rowe, Hills 14; Scanlan, Graf 11; Eaton, Dist 10; Wheeler, Dist 21: Executive Departments and Administration)

**HB 386**, relative to the relocation of the principal residence of a child. (Robb, Sull 11; Roberge, Dist 9: Children and Family Law)

**HB 387**, relative to the regulation of dentistry by the board of dental examiners. (Dyer, Hills 8: Executive Departments and Administration)

**HB 388**, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility. (Emerton, Hills 7: Health, Human Services & Elderly Affairs)

**HB 389**, establishing a committee to study the nursing home industry in New Hampshire. (Emerton, Hills 7; Pilliod, Belk 3; Sargent, Hills 3; French, Merr 3; Wheeler, Dist 21; Gordon, Dist 2; McCarley, Dist 6: Health, Human Services & Elderly Affairs)

**HB 390**, relative to the Born-Alive Infants Protection Act. (Woods, Straf 11; McRae, Hills 7; Itse, Rock 11; Giuda, Graf 3; Sapareto, Rock 13; Francoeur, Dist 14; Johnson, Dist 3; Barnes, Dist 17; Prescott, Dist 19; Roberge, Dist 9: Health, Human Services & Elderly Affairs)



- HB 391**, establishing a commission to review the state's election laws and balloting procedures. (Sova, Graf 11; Leber, Merr 1; Scovner, Graf 13; Alger, Graf 9: Election Law)
- HB 392**, establishing a committee to study the property tax status for land of agricultural fairs. (Thulander, Hills 6: Environment and Agriculture)
- HB 393-FN**, relative to plant nurseries and nursery stock. (Melcher, Hills 11; Babson, Carr 5: Environment and Agriculture)
- HB 394**, relative to short-term health insurance policies for certain persons. (Salts, Hills 41; Stone, Rock 7; Dionne, Hills 1; Kenney, Carr 6: Commerce)
- HB 395**, relative to the time for the first meeting for county conventions following election. (Patten, Carr 9: Municipal and County Government)
- HB 396**, relative to the practice of physicians and surgeons. (Pilliod, Belk 3; Nordgren, Graf 10; Konys, Hills 33; Below, Dist 5; O'Hearn, Dist 12: Health, Human Services & Elderly Affairs)
- HB 397**, establishing a committee to study the status of veterans in New Hampshire. (Heon, Straf 14; Saia, Rock 22; Marshall Quandt, Rock 20; Clegg, Hills 23; Letourneau, Rock 13; Barnes, Dist 17; Johnson, Dist 3; D'Allesandro, Dist 20: State-Federal Relations and Veterans Affairs)
- HB 398**, relative to forest fire warden appointments and associated duties. (Palangas, Hills 41; Duval, Hills 42; Baroody, Hills 42: Municipal and County Government)
- HB 399**, relative to proof of qualifications for voter registration. (Bruno, Hills 4; Salts, Hills 41: Election Law)
- HB 401**, relative to the receipt of information from regional planning commissions by local land use boards. (Melcher, Hills 11; M. Fuller Clark, Rock 36: Municipal and County Government)
- HB 402**, relative to the establishment of a state universal service fund. (Thomas, Belk 3: Science, Technology and Energy)
- HB 403**, relative to the effective date of special contracts for telephone utilities. (Thomas, Belk 3: Science, Technology and Energy)
- HB 404**, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors. (Taylor, Straf 11; M. Fuller Clark, Rock 36; Wheeler, Dist 21; Hollingworth, Dist 23: Commerce)
- HB 405**, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. (D. White, Hills 25; Kurk, Hills 5: Children and Family Law)
- HB 406**, prohibiting electro-convulsive therapy on children under 16 years of age. (Albert, Straf 17; Salts, Hills 41; Itse, Rock 11: Health, Human Services & Elderly Affairs)
- HB 407**, establishing a committee to study the fair pricing of prescription drugs. (Proulx, Straf 12; DeChane, Straf 6; Woodill, Straf 2; Baroody, Hills 42: Commerce)
- HB 408-FN**, relative to the regulation of nursing by the board of nursing. (Millham, Belk 4; Taylor, Straf 11; P. Katsakiores, Rock 13; Elliott, Hills 2; Dalrymple, Rock 26; Wheeler, Dist 21; McCarley, Dist 6; Cohen, Dist 24: Executive Departments and Administration)
- HCR 8**, encouraging more direct flights and international flights from the Manchester airport. (Salatiello, Belk 2: Transportation)
- HCR 9**, urging the President of the United States to increase the administration's efforts to mediate a peaceful resolution to the dispute in Cyprus between Turkey and the Republic of Cyprus. (Salts, Hills 41; Pappas, Hills 48; Tsiros, Straf 3; Pantelakos, Rock 30; Panagopoulos, Hills 47: State-Federal Relations and Veterans Affairs)
- HJR 2**, directing the department of transportation not to proceed with construction of a new visitor's center at the Intervale scenic vista in North Conway without approval of the Conway design review committee and the Conway board of selectmen. (Dickinson, Carr 2; Sullivan, Carr 2; Mock, Carr 3: Public Works and Highways)
- CACR 8**, relating to the term of office for judges. Providing that the tenure of judges shall be during good behavior except as otherwise provided by the general court. (Sova, Graf 11: Judiciary)

## RECESS

(Rep. Dokmo in the Chair)

## RESOLUTION

Rep. Akins offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 409 through 422 and Constitutional Amendment Concurrent Resolution numbered 9 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.



**INTRODUCTION OF HOUSE BILLS and CACR****First, second reading and referral**

**HB 409**, relative to qualification for admission to the New Hampshire bar. (Phinizy, Sull 7; D. Cote, Hills 29; DiFruscia, Rock 27: Judiciary)

**HB 410**, relative to the designation of a portion of the Merrimack river. (Calawa, Hills 17: Resources, Recreation and Development)

**HB 411**, requiring that New Hampshire's presidential electors be bound to vote for the candidates of the party which nominated the electors. (Vaillancourt, Hills 44: Election Law)

**HB 412**, establishing a committee to study the granting of state franchise rights to providers of on-line education courses. (Peterson, Hills 8; Leishman, Hills 13; J. Bradley, Carr 8; O'Hearn, Dist 12; D'Allesandro, Dist 20; Larsen, Dist 15: Education)

**HB 413**, relative to ownership of rail properties. (Calawa, Hills 17: Public Works and Highways)

**HB 414**, relative to the adoption of instream flow rules. (Calawa, Hills 17: Resources, Recreation and Development)

**HB 415**, establishing a committee to study the use of state bond moneys to fund new high school construction. (Chalbeck, Rock 8; Stone, Rock 7; Dionne, Hills 1; Barnes, Dist 17: Education)

**HB 416**, relative to fire safety inspections for foster family homes. (Dowling, Rock 13: Children and Family Law)

**HB 417**, requiring bidders for state contracts to have completed a training program of the Occupational Safety and Health Administration. (Baroody, Hills 42; Duval, Hills 42; Pepino, Hills 40; M. Fuller Clark, Rock 36: Public Works and Highways)

**HB 418**, relative to requirements for recounts. (Gilmore, Straf 11; Flanagan, Rock 14: Election Law)

**HB 419**, apportioning delegates to state party conventions. (Chandler, Carr 1; Klemm, Dist 22: Election Law)

**HB 420**, apportioning state representative districts. (Chandler, Carr 1; Klemm, Dist 22: Election Law)

**HB 421**, establishing a committee to study the procedure for sale of lands purchased with state funds. (Leishman, Hills 13; Babson, Carr 5: Public Works and Highways)

**HB 422**, establishing a committee to study the prevention of unintended pregnancies. (M. Fuller Clark, Rock 36; Norelli, Rock 31; Leishman, Hills 13; Millham, Belk 4; Dokmo, Hills 14; Wheeler, Dist 21; McCarley, Dist 6; Fernald, Dist 11; Cohen, Dist 24; Larsen, Dist 15, Children and Family Law)

**CACR 9**, relating to the term of office for governor. Providing that beginning with the 2004 general election, there shall be a 4-year term of office for governor. (Burling, Sull 1: Election Law)

**RECESS****(Rep. Leone in the Chair)****RESOLUTION**

Rep. Tholl offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 423 through 456 and House Concurrent Resolution numbered 10 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS and HCR****First, second reading and referral**

**HB 423**, relative to public utilities mergers. (J. Bradley, Carr 8; Norelli, Rock 31; Lynde, Hills 24; D. White, Hills 25; Maxfield, Merr 9; Below, Dist 5; Cohen, Dist 24; D'Allesandro, Dist 20: Science, Technology and Energy)

**HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals. (Weyler, Rock 18; Marshall Quandt, Rock 20; Matthew Quandt, Rock 20; Akins, Graf 14: Ways and Means)

**HB 425-FN**, establishing a practical living skills course for certain high school pupils. (Arnold, Hills 20: Education)

**HB 426**, relative to the voluntary scrapie flock certification program. (McRae, Hills 7: Environment and Agriculture)

**HB 427**, establishing a commission to study the taxation of trusts and the control of beneficiaries over trust management. (Weyler, Rock 18; Major, Rock 16; Foster, Hills 10: Ways and Means)

**HB 428**, relative to claims against the state by certain victims of Judge John C. Fairbanks. (Mirski, Graf 12; Phinizy, Sull 7; Dudley, Graf 14; Roberge, Dist 9; Boyce, Dist 4: Finance)

**HB 429**, relative to dispute resolution within the context of public employee labor relations. (J. Kelley, Rock 22; Whittier, Rock 18; O'Neil, Dist 18: Labor, Industrial and Rehabilitative Services)

**HB 430**, establishing a commission to study the feasibility of implementing a computerized voter registration system. (Sova, Graf 11; Scovner, Graf 13; Leber, Merr 1: Election Law)

**HB 431**, establishing a committee to study the proceeds from the sale of tax-deeded property. (Thulander, Hills 6: Municipal and County Government)

**HB 432**, relative to the limit on appropriations to the capital reserve fund of a county. (McGuirk, Ches 1: Municipal and County Government)

**HB 433**, clarifying the duties of the oversight committee on health and human services. (Emerton, Hills 7; Batula, Hills 18; Chabot, Hills 48; Wendelboe, Belk 2; Wallner, Merr 24; O'Hearn, Dist 12; Wheeler, Dist 21; Fernald, Dist 11: Health, Human Services & Elderly Affairs)

**HB 434**, relative to persons who die in nursing homes. (Brennan, Straf 16; Dwyer, Hills 43: Health, Human Services & Elderly Affairs)

**HB 435**, relative to assessment of service charges by municipalities and counties that accept credit cards for payment of local taxes, utility charges, or other fees. (N. Kaen, Straf 7; J. Bradley, Carr 8; Leach, Hills 9; Major, Rock 16; O'Hearn, Dist 12: Municipal and County Government)

**HB 436**, eliminating nomination of a party by nomination papers. (Buckley, Hills 44; Reeves, Hills 37; Clegg, Hills 23; Clemons, Hills 31; Pappas, Hills 48: Election Law)

**HB 437-FN**, relative to certain changes to the child pornography statutes. (Itse, Rock 11; Marshall Quandt, Rock 20; Matthew Quandt, Rock 20; Salts, Hills 41: Criminal Justice and Public Safety)

**HB 438-FN**, relative to the sale of dogs and cats. (Corbin, Rock 9; Dionne, Hills 1: Executive Departments and Administration)

**HB 439-FN-A**, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Rockingham and Stafford county area. (Philbrick, Carr 4; Patten, Carr 9; Below, Dist 5; Johnson, Dist 3: Municipal and County Government)

**HB 440**, relative to the establishment of instream flows. (Cooney, Rock 26: Resources, Recreation and Development)

**HB 441**, relative to qualifications of candidates. (Clemons, Hills 31; Clegg, Hills 23; Weatherspoon, Rock 20: Election Law)

**HB 442**, establishing a study committee to examine the effects of protective custody on county correctional facilities. (Welch, Rock 18: Municipal and County Government)

**HB 443**, relative to a 20-year state comprehensive energy plan. (Norelli, Rock 31; Langley, Rock 24; J. Bradley, Carr 8; Leach, Hills 9; Pitts, Rock 35; Below, Dist 5; Hollingworth, Dist 23; Cohen, Dist 24: Science, Technology and Energy)

**HB 444**, relative to mental health services and records. (Case, Rock 2; Dyer, Hills 8: Judiciary)

**HB 445**, relative to hunting in the town of Bow. (Anderson, Merr 7: Fish and Game)

**HB 446**, relative to spousal and child support enforcement. (Bickford, Straf 1: Children and Family Law)

**HB 447**, relative to the establishment of parenting plans in certain domestic cases. (Bickford, Straf 1: Children and Family Law)

**HB 448**, relative to procedures for crews and provision of counseling services following a railway accident. (Baroody, Hills 42; J. Kelley, Rock 22; Duval, Hills 42; Pepino, Hills 40; M. Fuller Clark, Rock 36: Labor, Industrial and Rehabilitative Services)

**HB 449**, relative to access to adoption records. (J. Wood, Belk 7; Foster, Hills 10; Buckley, Hills 44; Craig, Hills 38; Whalley, Merr 5; McCarley, Dist 6: Children and Family Law)

**HB 450**, relative to work product under the right-to-know law. (Whalley, Merr 5; Wall, Straf 9; Hollingworth, Dist 23; Francoeur, Dist 14; Eaton, Dist 10; O'Hearn, Dist 12; Klemm, Dist 22: Judiciary)

**HB 451**, establishing a commission to study the impact of pay and benefits for child care workers on the quality of care and education for children. (Pilliod, Belk 3; Gile, Merr 16: Children and Family Law)

**HB 452**, establishing a committee to study the reimbursement for expenses of legislators. (Brennan, Straf 16; Dwyer, Hills 43: Legislative Administration)

**HB 453**, establishing a 4-year term for the commissioner of the department of corrections. (Burling, Sull 1: Executive Departments and Administration)

**HB 454**, relative to same-sex civil unions contracted outside of the state of New Hampshire. (Itse, Rock 11; Torressen, Carr 10; Gilman, Graf 1; Chalbeck, Rock 8; Salts, Hills 41: Children and Family Law)

**HB 455**, relative to personal flotation devices. (Holbrook, Belk 7: Resources, Recreation and Development)

**HB 456**, relative to automobile insurance for teenage drivers. (J. Bradley, Carr 8; Babson, Carr 5: Transportation)

**HCR 10**, supporting the electoral college. (Wendelboe, Belk 2; Vaillancourt, Hills 44; Giuda, Graf 3: State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Clegg in the Chair)

## RESOLUTION

Rep. Martel offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 457 through 499 and 501 through 532 and House Concurrent Resolutions numbered 11 and 12, House Joint Resolution numbered 3 and Constitutional Amendment Concurrent Resolutions numbered 10 and 11 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HCRs, HJR and CACRs

### First, second reading and referral

**HB 457-FN**, establishing a process for reviewing judges. (L. Christiansen, Hills 23; Roberge, Dist 9: Judiciary)

**HB 458-FN-L**, establishing a defined contribution retirement option in the New Hampshire retirement system. (Sapareto, Rock 13: Executive Departments and Administration)

**HB 459-FN**, relative to inspection requirements for antique vehicles. (Artz, Hills 34; Rozek, Coos 7: Transportation)

**HB 460-FN**, relative to the form of drivers' licenses. (Dickinson, Carr 2; Kurk, Hills 5: Transportation)

**HB 461-FN**, requiring all officers and officials elected by either or both houses of the legislature to file certain reports and register as political committees. (DiFruscia, Rock 27; Soltani, Merr 10; Burling, Sull 1; Phinizy, Sull 7; Marshall Quandt, Rock 20: Election Law)

**HB 462-FN**, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members. (Emerton, Hills 7: Executive Departments and Administration)

**HB 463-FN**, relative to protective services to adults. (Manning, Ches 9; Allen, Ches 7: Health, Human Services & Elderly Affairs)

**HB 464**, encouraging all state departments to improve efficiencies with the goal of a 25 percent budget reduction, adjusted for inflation, by 2005. (Splaine, Rock 34: Executive Departments and Administration)

**HB 465**, relative to the admission to practice law and to bar association membership for attorneys. (Mirski, Graf 12; Alger, Graf 9; Soltani, Merr 10; Ward, Graf 1; Boyce, Dist 4: Judiciary)

**HB 466**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases. (Wall, Straf 9; Bergin, Hills 16; Craig, Hills 38; J. Pratt, Ches 2; Mock, Carr 3: Judiciary)

**HB 467**, relative to a term for the chief justice of the supreme court. (L. Jean, Hills 17; Boyce, Belk 5: Judiciary)

**HB 468**, relative to declaration of party affiliation in primary voting. (Herman, Hills 13: Election Law)

**HB 469-FN-L**, relative to the applicable minimum wage for hourly employees. (Norelli, Rock 31; M. Fuller Clark, Rock 36; Bergin, Hills 16; Marshall Quandt, Rock 20; M. Smith, Straf 8; D'Allesandro, Dist 20; Wheeler, Dist 21; Cohen, Dist 24: Labor, Industrial and Rehabilitative Services)

**HB 470**, relative to caller identification requirements for persons engaged in telephone solicitation. (R. L'Heureux, Hills 18; Melcher, Hills 11; Leach, Hills 9; Lessard, Hills 23; C. Hall, Hills 18; Roberge, Dist 9; Pignatelli, Dist 13: Commerce)



**HB 471-FN**, relative to fish and game licenses issued to resident and nonresident minors. (R. L'Heureux, Hills 18; Carlson, Hills 19; Fletcher, Hills 7; Nowe, Rock 3; S. Eaton, Graf 1; Disnard, Dist 8; Roberge, Dist 9; Burns, Dist 1: Fish and Game)

**HB 472**, requiring that land transferred to the White Mountain National Forest and the Silvio O. Conte National Fish and Wildlife Refuge include a covenant granting access to the citizens of New Hampshire. (Gilman, Graf 1; Scanlan, Graf 11; Chandler, Carr 1; Giuda, Graf 3; S. Eaton, Graf 1; Rozek, Coos 7, Burns, Dist 1: Resources, Recreation and Development)

**HB 473-FN**, authorizing the department of safety to issue special amateur radio operator plates. (Rosen, Belk 7; A. Pelletier, Straf 12; Artz, Hills 34; McRae, Hills 7; Boyce, Dist 4: Transportation)

**HB 474-FN**, relative to motor vehicle plates for firefighters and emergency medical care providers. (Phinizy, Sull 7; Whittemore, Merr 13; B. Ferland, Sull 6; Dickinson, Carr 2: Transportation)

**HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. (Sargent, Hills 3; Flora, Hills 15; Rodd, Merr 3; O'Keefe, Rock 21: Criminal Justice and Public Safety)

**HB 476**, relative to the definition of a campsite. (Hunt, Ches 10; McKinney, Rock 29; K. Hutchinson, Rock 29; Bruno, Hills 4; E. Smith, Ches 6; Larsen, Dist 15: Resources, Recreation and Development)

**HB 477-FN**, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system. (Dyer, Hills 8; Batchelder, Ches 2; Klemm, Dist 22; Hollingworth, Dist 23: Executive Departments and Administration)

**HB 478**, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations. (Clegg, Hills 23; Clemons, Hills 31; Buckley, Hills 44; Reeves, Hills 37: Election Law)

**HB 479**, relative to dead bodies. (Dickinson, Carr 2; Spang, Straf 8: Health, Human Services and Elderly Affairs)

**HB 480**, relative to the divisions within the department of resources and economic development. (Dickinson, Carr 2; Royce, Ches 9; Whalley, Merr 5; M. Fuller Clark, Rock 36; Blanchard, Rock 33; D'Allesandro, Dist 20: Resources, Recreation and Development)

**HB 481**, relative to access to certain communications common carrier records. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 482**, relative to airport zoning. (Milligan, Hills 18; Weyler, Rock 18; J. Flanders, Rock 18; Brennan, Straf 16; M. Fraser, Merr 21; Johnson, Dist 3: Municipal and County Government)

**HB 483**, repealing the Uniform Aircraft Financial Responsibility Act. (Milligan, Hills 18; Leber, Merr 1; Weyler, Rock 18; Brennan, Straf 16; J. Flanders, Rock 18; Roberge, Dist 9: Executive Departments and Administration)

**HB 484**, relative to disclosure of presidential election results. (Batchelder, Ches 2: Election Law)

**HB 485**, relative to physicians employed by hospitals. (Marshall Quandt, Rock 20; Matthew Quandt, Rock 20: Health, Human Services and Elderly Affairs)

**HB 486**, relative to vocational education alternatives for public school pupils. (Tahir, Hills 38; Rogers Johnson, Rock 25; Salts, Hills 41; Thompson, Hills 47; Gonzalez, Hills 48: Education)

**HB 487**, establishing a committee to study safety issues relating to the transportation of kindergarten students. (Grassie, Straf 19; McCarley, Dist 6: Education)

**HB 488**, relative to the confidentiality of patient prescription records. (Taylor, Straf 11; Emerton, Hills 7; Keye, Hills 30: Commerce)

**HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission. (J. Bradley, Carr 8; Gilmore, Straf 11; N. Kaen, Straf 7; Johnson, Dist 3: Science, Technology and Energy)

**HB 490**, requiring public access to law libraries. (Woods, Straf 11; Roberge, Dist 9: Judiciary)

**HB 491**, establishing a procedure for zoning boards of adjustment to give notice of violation of zoning ordinances. (Rowe, Hills 14: Municipal and County Government)

**HB 492**, requiring a clear statement of which justices rendered each supreme court order or opinion. (P. Woods, Straf 11; Roberge, Dist 9: Judiciary)

**HB 493**, relative to exemptions from the New Hampshire real estate practice act and relative to the definition of a short term rental. (Chandler, Carr 1: Executive Departments and Administration)

**HB 494**, establishing a committee to study the permitting and hearing processes for proposed highways. (E. Smith, Ches 6; Morse, Rock 28; C. Bouchard, Merr 22; Major, Rock 16; Eaton, Dist 10; Roberge, Dist 9; Gordon, Dist 2; D'Allesandro, Dist 20: Public Works and Highways)



- HB 495**, relative to judicially appointed officials. (Soltani, Merr 10; Boyce, Dist 4: Judiciary)
- HB 496**, establishing a committee to study the method by which low-digit license plates are issued by the department of safety and any alternatives to the presently-used method. (Soltani, Merr 10; J. Bradley, Carr 8: Transportation)
- HB 497**, prohibiting banks from charging customers fees for accessing funds from their own accounts. (A. Pelletier, Straf 12: Commerce)
- HB 498**, relative to standards for records filed with a registry of deeds. (Patten, Carr 9: Municipal and County Government)
- HB 499**, making state-appointed advisory committees subject to the right-to-know law. (Hager, Merr 18: Judiciary)
- HB 501**, relative to licensure of foster homes and the duties of the department of health and human services advisory board. (Dowling, Rock 13: Children and Family Law)
- HB 502**, establishing a state government reorganization task force. (Splaine, Rock 34: Executive Departments and Administration)
- HB 503**, relative to incompatible offices. (Bruno, Hills 4: Election Law)
- HB 504**, establishing a committee to study the feasibility of requesting the fish and game department to develop shooting ranges in each of the wildlife management units. (Bruno, Hills 4: Fish and Game)
- HB 505**, limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others. (Bruno, Hills 4: Judiciary)
- HB 506**, prohibiting the granting of certain variances from zoning ordinances. (Melcher, Hills 11: Municipal and County Government)
- HB 507**, opening hearings in abuse and neglect cases to members of the general court and to certain other persons. (Bickford, Straf 1: Children and Family Law)
- HB 508**, relative to third party contact in orders of protection from domestic violence. (Bickford, Straf 1: Criminal Justice and Public Safety)
- HB 509**, establishing a limitation on the renewal of spousal support orders. (Bickford, Straf 1; Babson, Carr 5: Children and Family Law)
- HB 510**, establishing a commission to assess increasing government efficiency through the expansion of interstate computer networks. (Lovett, Graf 6; J. Bradley, Carr 8: Executive Departments and Administration)
- HB 511**, relative to continuing medical education requirements for physicians. (Pilliod, Belk 3: Executive Departments and Administration)
- HB 512**, relative to off-site improvements imposed on applicants to a planning board. (Dokmo, Hills 14; Bruno, Hills 4: Municipal and County Government)
- HB 513**, establishing a committee to study the disposition of revenue from fines for violations of the motor vehicle laws. (Lasky, Hills 33; Sweeney, Hills 31; Alukonis, Hills 23; O'Hearn, Dist 12: Transportation)
- HB 514**, relative to uniform prescription drug information cards. (Taylor, Straf 11; Keye, Hills 30: Commerce)
- HB 515-FN-L**, establishing parental choice scholarships. (Cox, Rock 24; Alger, Graf 9; Rabideau, Rock 16; Winter, Merr 2; Bruno, Hills 4: Education)
- HB 516**, relative to requirements for bidders on public construction projects. (Heon, Straf 14; J. Kelley, Rock 22: Public Works and Highways)
- HB 517-L**, relative to supply of water by village districts. (Chandler, Carr 1: Municipal and County Government)
- HB 518**, relative to increases of motor vehicle policy premiums because a person reaches a certain age. (Dickinson, Carr 2: Commerce)
- HB 519**, relative to the ballot law commission. (Flanagan, Rock 14: Election Law)
- HB 520**, relative to clarifying qualifications of candidates. (Kennedy, Merr 7: Election Law)
- HB 521**, relative to an exception for hunter safety instruction to negligent storage of firearms. (Kennedy, Merr 7: Criminal Justice and Public Safety)
- HB 522-L**, establishing discretionary preservation easements for preserving historic agricultural structures. (Babson, Carr 5; Thulander, Hills 6; M. Fuller Clark, Rock 36; J. Bradley, Carr 8; Melcher, Hills 11; Gordon, Dist 2; Johnson, Dist 3; Fernald, Dist 11: Municipal and County Government)

**HB 523**, establishing a commission to investigate the possibility of setting up a division of hearings within the department of justice. (Sova, Graf 11: Executive Departments and Administration)

**HB 524**, relative to unfair insurance trade practices. (Francoeur, Rock 22; M. Fuller Clark, Rock 36; Langley, Rock 24; Wheeler, Dist 21: Commerce)

**HB 525**, relative to property and casualty insurance. (Francoeur, Rock 22; L. Fraser, Merr 9; Wheeler, Dist 21: Commerce)

**HB 526**, establishing a committee to study recodification of the motor vehicle insurance laws. (L. Christiansen, Hills 23; L. Jean, Hills 17; D. White, Hills 25; Bergeron, Hills 24; Soltani, Merr 10; Boyce, Matthew Quandt, Rock 20, Dist 4; Johnson, Dist 3: Commerce)

**HB 527**, relative to limitations on membership of local land use boards. (Splaine, Rock 34: Municipal and County Government)

**HB 528**, relative to rental vehicle insurance disclosure. (Splaine, Rock 34: Commerce)

**HB 529**, relative to advertisements for sweepstakes and gambling. (Splaine, Rock 34: Commerce)

**HB 530**, relative to the grounds for termination of the parent-child relationship. (Albert, Straf 17; Salts, Hills 41; Itse, Rock 11: Children and Family Law)

**HB 531**, establishing a committee to study ballot reform. (Weed, Ches 19; Burnham, Ches 8: Election Law)

**HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines. (M. Fuller Clark, Rock 36; Francoeur, Rock 22; Pilliod, Belk 3; Wallner, Merr 24; Wheeler, Dist 21; McCarley, Dist 6; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

**HCR 11**, to evaluate regional transportation infrastructure links. (Guay, Coos 6; Gallus, Coos 7; Rozek, Coos 7; Thomas, Belk 3; Johnson, Dist 3; Burns, Dist 1; Gordon, Dist 2: State-Federal Relations and Veterans Affairs)

**HCR 12**, requesting that the federal government lift federal preemption of regulation of gas pipelines and pipelines carrying other hazardous substances. (Hill, Rock 29; Introne, Rock 29; K. Hutchinson, Rock 29: State-Federal Relations and Veterans Affairs)

**HJR 3**, encouraging the preservation of the system of locks on the Merrimack river. (R. L'Heureux, Hills 18; Goulet, Hills 15; D. Cote, Hills 29; Chabot, Hills 48; M. Fuller Clark, Rock 36; Roberge, Dist 9; D'Allesandro, Dist 20; O'Hearn, Dist 12: Resources, Recreation and Development)

**CACR 10**, relating to term of office for judges and judicial retirement age. Providing that all judges appointed on or after January 1, 2003 shall serve a 5-year term which may be renewed by vote of the governor and council, and that the mandatory judicial retirement age shall be repealed. (Kennedy, Merr 7: Judiciary)

**CACR 11**, relating to mandatory retirement age for sheriffs. Providing that the mandatory retirement age for sheriffs shall be abolished. (Kennedy, Merr 7: Executive Departments and Administration)

## RECESS

(Rep. Herman in the Chair)

## RESOLUTION

Rep. Clegg offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 533 through 536 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 533-FN**, relative to disqualification of judges. (Rice, Belk 7; J. Wood, Belk 7; Bartlett, Belk 6; Rosen, Belk 7; Boyce, Dist 4: Judiciary)

**HB 534**, relative to "salvage" motor vehicles. (Langley, Rock 24; Belanger, Rock 26: Commerce)

**HB 535-FN-A**, relative to thermal imaging cameras for fire departments, and making an appropriation therefor. (Hill, Rock 29: Municipal and County Government)

**HB 536-FN-A-L**, making an appropriation to the town of Conway for the purpose of burying utility lines. (Dickinson, Carr 2; Sullivan, Carr 2; Johnson, Dist 3: Finance)

## RECESS

(Rep. Buckley in the Chair)

## RESOLUTION

Rep. Spang offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 537 through 562 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

## First, second reading and referral

**HB 537-FN-A**, relative to a dedicated revenue source for the land and community heritage investment program and the state's travel and tourism promotion and development effort. (M. Fuller Clark, Rock 36; Scanlan, Graf 11; Musler, Straf 6; Burling, Sull 1; J. Bradley, Carr 8; Hollingworth, Dist 23; Gordon, Dist 2; Larsen, Dist 15; Below, Dist 5: Resources, Recreation and Development)

**HB 538-FN**, requiring photographs on walking disability placards. (Fesh, Rock 13; G. Katsakiores, Rock 13; Stevens, Carr 7; Nedeau, Belk 1; K. Gilbert, Rock 19; Eaton, Dist 10: Health, Human Services and Elderly Affairs)

**HB 539-FN-A**, creating certain positions within the division of forests and lands and making an appropriation therefor. (Scanlan, Graf 11; Teschner, Graf 5; Babson, Carr 5; Dickinson, Carr 2; Blanchard, Rock 33; Burns, Dist 1; Below, Dist 5: Resources, Recreation and Development)

**HB 540-FN-A**, relative to prescription benefit management companies and continually appropriating a special fund. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)

**HB 541-FN**, requiring certain hospitals to provide charity care and continually appropriating a special fund. (Wendelboe, Belk 2: Commerce)

**HB 542-FN**, requiring cellular telephone carriers to notify customers before the service is disconnected. (Kennedy, Merr 7: Commerce)

**HB 543-FN**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. (Leber, Merr 1; Calawa, Hills 17; Hamel, Rock 10; Morse, Rock 28; Barnes, Dist 17; Hollingworth, Dist 23; Gordon, Dist 2: (Public Works and Highways)

**HB 544-FN**, relative to reporting by candidates of independent expenditures. (Splaine, Rock 34: Election Law)

**HB 545-FN**, establishing the railroad trespass prevention act. (G. Katsakiores, Rock 13; Nowe, Rock 3; Whittemore, Merr 13; J. Flanders, Rock 18; Wheeler, Dist 21; Hollingworth, Dist 23: Criminal Justice and Public Safety)

**HB 546-FN-A-L**, relative to allowing cities and towns to permit slot machines and other games of chance. (DiFruscia, Rock 27; Gallus, Coos 7: Municipal and County Government)

**HB 547-FN**, authorizing participation in a regional electronic toll collection system. (E. Smith, Ches 6; Alukonis, Hills 23; C. Bouchard, Merr 22; Rogers Johnson, Rock 25; Cloutier, Sull 8; Eaton, Dist 10; Gordon, Dist 2; D'Allesandro, Dist 20; Roberge, Dist 9: Public Works and Highways)

**HB 548-FN-A**, relative to the powers and duties of the office of the attorney general. (Dyer, Hills 8; L. Fraser, Merr 9: Executive Departments and Administration)

**HB 549-FN-L**, relative to procedures of the department of revenue administration concerning the reassessment of property. (Patten, Carr 9: Municipal and County Government)

**HB 550-FN**, relative to remedies under the right-to-know law. (Marshall Quandt, Rock 20: Judiciary)

**HB 551-FN**, establishing a homestead exemption from the education property tax. (Corbin, Rock 9; Saia, Rock 22; Giordano, Rock 26; Elliott, Hills 2: Ways and Means)

**HB 552-FN-A-L**, restructuring the delivery of a public elementary and secondary education and related educational services in New Hampshire. (Dodge, Rock 4: Education)

**HB 553-FN-L**, requiring background checks for nursing home employees. (Downing, Rock 26; Micklon, Rock 26; McGuire, Rock 26; D'Allesandro, Dist 20: Health, Human Services and Elderly Affairs)

**HB 554-FN**, establishing a division of information technology within the department of safety. (Welch, Rock 18; Dyer, Hills 8; Johnson, Dist 3: Executive Departments and Administration)



**HB 555-FN-L**, relative to the billing of counties for certain expenses by the department of health and human services. (Alger, Graf 9; N. Kaen, Straf 7; Cobb, Graf 5; Gilmore, Straf 11; Gordon, Dist 2; Johnson, Dist 3; Roberge, Dist 9: Municipal and County Government)

**HB 556-FN-A**, making certain appropriations to the department of cultural resources and the department of safety. (Robb, Sull 11; Welch, Rock 18; Dyer, Hills 8; Johnson, Dist 3: Resources, Recreation and Development)

**HB 557-FN-A**, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video game players, and video movie players. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 558-FN-A-L**, increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment. (McGuirk, Ches 1: Ways and Means)

**HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders. (Bickford, Straf 1; K. Hutchinson, Rock 29: Children and Family Law)

**HB 560-FN-A**, establishing a contributory judicial retirement plan. (Kurk, Hills 5; Almy, Graf 14; Stone, Rock 7; Francoeur, Dist 14; Pignatelli, Dist 13: Executive Departments and Administration)

**HB 561-FN-A**, abolishing tolls along state highways and increasing the gasoline tax. (Arnold, Hills 20; Milligan, Hills 18; Jones, Sull 3: Public Works and Highways)

**HB 562-FN-A-L**, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding. (Bergin, Hills 16; Dokmo, Hills 14: Ways and Means)

## RECESS

(Rep. Whalley in the Chair)

## RESOLUTION

Rep. Kurk offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 50 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILL

### First, second reading and referral

**HB 50-FN-A-L**, relative to sources of funding an adequate education. (Hess, Merr 11: Ways and Means)

## RECESS

(Rep. Clegg in the Chair)

## RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 563 through 598, House Joint Resolution numbered 4 and Constitutional Amendment Concurrent Resolutions numbered 14 and 15 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HJR and CACRs

### First, second reading and referral

**HB 563**, requiring drivers to carry automobile insurance and permitting drivers to choose the amount of uninsured motorist insurance that they carry. (Arnold, Hills 20; Dokmo, Hills 14; Perkins, Merr 13: Commerce)

**HB 564**, requiring insurance coverage for certified midwives. (Rabideau, Rock 16; Dickinson, Carr 2; J. Bradley, Carr 8: Commerce)

**HB 565-FN**, relative to liability for providing alcoholic beverages to minors. (Avery, Ches 8; Fields, Hills 18; Pepino, Hills 40; McDonough-Wallace, Hills 41; Drabinowicz, Hills 36: Criminal Justice and Public Safety)



**HB 566**, establishing terms for the offices of administrative judges of the courts. (Wall, Straf 9; Bergin, Hills 16; Craig, Hills 38; Soltani, Merr 10; Franklin, Sull 4: Judiciary)

**HB 567-FN-L**, granting female inmates access to certain rehabilitation related programs. (Pilliod, Belk 3: Criminal Justice and Public Safety)

**HB 568**, relative to appointment requirements for judges. (Rice, Belk 7; Rosen, Belk 7; Wood, Belk 7; Johnson, Dist 3: Judiciary)

**HB 569**, establishing a committee to study the education of family caregivers in New Hampshire. (Emerton, Hills 7; Pilliod, Belk 3; Martel, Hills 45; French, Merr 3; Wheeler, Dist 21; Gordon, Dist 2: Health, Human Services and Elderly Affairs)

**HB 570-FN**, relative to the unemployment compensation law. (Clegg, Hills 23; Bishop, Rock 12; Wheeler, Dist 21; Francoeur, Dist 14: Labor, Industrial and Rehabilitative Services)

**HB 571**, establishing a commission to study the feasibility of creating a statewide land value assessment system for the purpose of creating a revenue source for funding education. (G. Katsakiores, Rock 13: Ways and Means)

**HB 572**, relative to vacancies for office on a party ticket. (Dickinson, Carr 2; Phinizy, Sull 7; Clegg, Hills 23: Election Law)

**HB 573**, relative to the role of advanced registered nurse practitioners in the state mental health services system. (Bickford, Straf 1; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 574**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law. (Dickinson, Carr 2; Leone, Sull 2; Welch, Rock 18; Horton, Coos 3; Mirski, Graf 12; Johnson, Dist 3; D'Allesandro, Dist 20: Legislative Administration)

**HB 575**, relative to absentee voter affidavits. (Dickinson, Carr 2; Downing, Rock 26: Election Law)

**HB 576**, establishing a committee to study the manner in which certain drugs are prescribed to children with behavior disorders. (Grassie, Straf 19; McCarley, Dist 6: Health, Human Services and Elderly Affairs)

**HB 577**, relative to credit data for insurance purposes. (Dickinson, Carr 2; L. Pratt, Coos 4; Craig, Hills 38, Gordon, Dist 2: Commerce)

**HB 578**, relative to requirements for nonpublic utility providers of telephone services. (Estabrook, Straf 8; Norelli, Rock 31; Thomas, Belk 3: Science, Technology and Energy)

**HB 579**, relative to nominating a political organization by nomination papers. (Stritch, Rock 5: Election Law)

**HB 580**, requiring health insurance carriers to provide loss information to large employers on a quarterly basis. (Stone, Rock 7; Almy, Graf 14; L. Fraser, Merr 9; Wheeler, Dist 21: Commerce)

**HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species. (Bruno, Hills 4; Mirski, Graf 12; L. Jean, Hills 17: Environment and Agriculture)

**HB 582**, establishing a judicial nominating commission. (Bergin, Hills 16; Wall, Straf 9; J. Pratt, Ches 2; Leishman, Hills 13; Leach, Hills 9: Judiciary)

**HB 583**, making certain changes to the underground utility damage prevention system. (Thomas, Belk 3: Science, Technology and Energy)

**HB 584-FN-A**, relative to the registration and licensure of OHRV dealers and rental agents. (Letourneau, Rock 13; Packard, Rock 29; Johnson, Dist 3: Transportation)

**HB 585**, relative to the membership and duties of the council on resources and development. (Musler, Straf 6: Executive Departments and Administration)

**HB 586**, excluding stepchildren from the definition of "child" in the context of support orders. (Bickford, Straf 1: Children and Family Law)

**HB 587-FN-A**, establishing a commission on the status of men, and making an appropriation therefor. (Bickford, Straf 1; Jacobson, Merr 2; Dickinson, Carr 2; Gilmore, Straf 11; Zolla, Rock 13; Boyce, Dist 4: Executive Departments and Administration)

**HB 588**, relative to examination of persons called as jurors. (Dokmo, Hills 14; Leishman, Hills 13; J. Pratt, Ches 2; Wall, Straf 9: Judiciary)

**HB 589**, relative to eligibility for unemployment benefits for part-time workers. (L. Fraser, Merr 9; Whittier, Rock 18; Mears, Coos 7; M. Fuller Clark, Rock 36; Wheeler, Dist 21: Labor, Industrial and Rehabilitative Services)

**HB 590**, relative to access to motor vehicle records by insurance companies. (L. Fraser, Merr 9: Transportation)

**HB 591**, relative to certain prescription discount cards. (Taylor, Straf 11; Emerton, Hills 7; Keye, Hills 30: Commerce)

**HB 592-FN-A**, relative to a milfoil prevention and research grant program and fund. (French, Merr 3; Lovett, Graf 6; R. Cooney, Rock 26; Rodd, Merr 3; Johnson, Dist 3: Resources, Recreation and Development)

**HB 593**, requiring that bingo and lucky 7 distributors only distribute bingo and lucky 7 supplies to recipients licensed to conduct bingo games or lucky 7. (Pantelakos, Rock 30: Commerce)

**HB 594**, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors. (Gile, Merr 16; O'Hearn, Dist 12: Education)

**HB 595**, relative to single producer licensing. (Francoeur, Rock 22; Wheeler, Dist 21: Commerce)

**HB 596**, relative to the acquisition of land by a town. (R. L'Heureux, Hills 18; Emerton, Hills 7; Roberge, Dist 9: Municipal and County Government)

**HB 597**, relative to the duties of inspectors of elections. (B. Hall, Hills 20; Sweeney, Hills 31: Election Law)

**HB 598**, adding the New Hampshire housing finance authority to the council on resources and development. (M. Fuller Clark, Rock 36: Executive Departments and Administration)

**HJR 4**, urging Congress to amend the Pipeline Safety Act. (K. Hutchinson, Rock 29; Hill, Rock 29; Introne, Rock 29: State-Federal Relations and Veterans Affairs)

**CACR 14**, relating to the election of the attorney general and the appointment of county attorneys. Providing that the attorney general shall be elected by the general court and county attorneys shall be nominated and appointed by the governor and executive council. (Dodge, Rock 4: Election Law)

**CACR 15**, relating to a balanced budget. Providing that the governor shall not propose, nor shall the general court approve, an operating budget in which expenditures exceed estimated revenue. (Rogers Johnson, Rock 25: Finance)

## RECESS

(Rep. Buckley in the Chair)

## RESOLUTION

Rep. Spang offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 599 and 601 through 609 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 599-FN**, relative to unlawful possession of alcohol by a minor. (Rodeschin, Sull 4; Kacavas, Hills 37; Odell, Sull 5; Jones, Sull 3; Disnard, Dist 8: Children and Family Law)

**HB 601-FN-A-L**, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state. (Scanlan, Graf 11; Sova, Graf 11; Gabler, Graf 8; Boyce, Belk 5; Below, Dist 5; Gordon, Dist 2: Municipal and County Government)

**HB 602-FN**, relative to the sale of fetal body parts. (Souza, Hills 40; Salts, Hills 41; Pepino, Hills 40; Albert, Straf 17; Lachance, Straf 15; Francoeur, Dist 14; Roberge, Dist 9: Criminal Justice and Public Safety)

**HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. (Stone, Rock 7; Anderson, Merr 7; Almy, Graf 14; L. Fraser, Merr 9; Wheeler, Dist 21: Executive Departments and Administration)

**HB 604-FN**, relative to increasing certain fees and making other changes to fish and game licenses. (Stone, Rock 7; Major, Rock 16; McKinney, Rock 29; Disnard, Dist 8; Eaton, Dist 10: Fish and Game)

**HB 605-FN**, prohibiting televised advertisements of lottery games and prohibiting self-serve lottery game vending machines. (R. Cooney, Rock 26; Dodge, Rock 4; French, Merr 3; Leishman, Hills 13; Fernald, Dist 11; Below, Dist 5: Commerce)

**HB 606-FN**, relative to the Christa McAuliffe planetarium. (Gilmore, Straf 11; Reid, Straf 12; Fernald, Dist 11; O'Hearn, Dist 12: Executive Departments and Administration)

**HB 607-FN-L**, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. (Phinizy, Sull 7; Dickinson, Carr 2: Municipal and County Government)

**HB 608-FN**, establishing a judicial ethics advisory committee. (Bergin, Hills 16; Wall, Straf 9; J. Pratt, Ches 2; Leishman, Hills 13: Judiciary)

**HB 609-FN-L**, requiring passengers on school buses to wear seat belts. (McRae, Hills 7; Sullivan, Carr 2: Transportation)

#### RECESS

(Speaker Chandler in the Chair)

#### COMMITTEE ASSIGNMENTS

Rep. Karen K. Hutchinson on Legislative Administration.

Rep. Theresa A. Drabinowicz off State-Federal Relations and Veteran Affairs; on Executive Department and Administration.

Rep. William P. Brennan off Executive Department and Administration; on Fish and Game.

#### RECESS

(Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 5

Thursday, February 8, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Whalley.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O God, in whom we live and move and have our being, bless today the work of this honorable House. May each legislator and staff member perform their duties with integrity, honesty, compassion and wisdom guided by the knowledge that we are here by the gift of Your grace and by the consent of the governed. Amen.

Rep. Linda T. Foster led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Brown, Cardin, Flanagan and Ford, the day, illness.

Reps. Bergin, Bridle, Brundige, Chabot, Chandler, Fletcher, Marilyn Fraser, Lessard, Messier, Mock, Owen, Marsha Pelletier, Rodeschin, Rodrigue, Tholl, Thompson, Weyler and Donald White, the day, important business.

Rep. Dalrymple, the day, death in the family.

Rep. Priestley, the day, illness in the family.

### INTRODUCTION OF GUESTS

Justin Gilman, son of Rep. Gilman. Charles Newton guest of Rep. Odell. Betty Mitchel Tree and Cameron Campbell, guests of Rep. Weatherspoon. Leadership New Hampshire Class of 2001, guests of the House.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 610 through 622 and House Concurrent Resolution numbered 13 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS and HCR

#### First, second reading and referral

**HB 610**, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. (Kurk, Hills 5: Environment and Agriculture)

**HB 611-FN-L**, relative to the availability of certain nursing home beds. (Downing, Rock 26; Lovett, Graf 6; Micklon, Rock 26; McGuire, Rock 26; Dowling, Rock 13; D'Allesandro, Dist 20: Health, Human Services and Elderly Affairs)

**HB 612**, relative to expenditures from the dam maintenance fund by the department of environmental services. (Royce, Ches 9; Emerson, Ches 13; Edwards, Ches 19; Below, Dist 5; Johnson, Dist 3: Resources, Recreation and Development)

**HB 613**, establishing a task force relative to fuels. (Langley, Rock 24; Belanger, Rock 26; Norelli, Rock 31: Science, Technology and Energy)

**HB 614**, relative to certain duties, responsibilities, and authority of the fiscal committee. (Kurk, Hills 5: Legislative Administration)

**HB 615**, relative to the duties of motor vehicle inspectors. (Bartlett, Belk 6; Packard, Rock 29; P. Cote, Hills 32: Transportation)

**HB 616**, clarifying sessions to be held at the satellite district court in Durham. (Wall, Straf 9; K. Gilbert, Rock 19; N. Kaen, Straf 7; Lent, Straf 8; Estabrook, Straf 8; Wheeler, Dist 21: Judiciary)

**HB 617**, relative to zoning for hobby vehicles. (Artz, Hills 34: Municipal and County Government)

**HB 618**, relative to charitable auto wholesale dealers. (Bartlett, Belk 6; P. Cote, Hills 32; Packard, Rock 29: Transportation)



**HB 619**, relative to the sale or lease of goods or services to residents of this state via the Internet. (Belanger, Rock 26; Langley, Rock 24: Commerce)

**HB 620**, relative to arrangements between birth parents and adoptive parents. (Lyman, Carr 5: Children and Family Law)

**HB 621**, relative to the form of prescriptions. (Splaine, Rock 34: Health, Human Services and Elderly Affairs)

**HB 622**, relative to the time period for the executive council to confirm nominees to the supreme court. (Splaine, Rock 34: Judiciary)

**HCR 13**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Cloutier, Sull. 8; Burling, Sull. 1; Nordgren, Graf 10; Batchelder, Ches 2; Fuller Clark, Rock 36; Disnard, Dist 8; Gordon, Dist 2; Eaton, Dist 10: State-Federal Relations and Veterans Affairs)

## SENATE MESSAGE

### CONCURRENCE

**HB 204-FN**, relative to loan guarantees by the business finance authority.

## ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 204.

Rep. Nowe, Sen. Pignatelli for the Committee

## SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit the deadline date for introduction of House Bills be extended until February 15, 2001.

Reps. Scanlan and Burling spoke in favor.

Adopted by the necessary two-thirds.

## VACATE

Rep. Bradley moved that the House vacate the reference of **HB 317-FN**, revising the New Hampshire Aeronautics Act, to the Committee on Science, Technology and Energy.

Adopted.

Referred to the Committee on Transportation.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 101**, relative to suspension of lobbyists for false statements or misrepresentation of material facts, removed by Rep. Marshall Quandt.

Consent Calendar adopted.

Reps. Dokmo, Hess and Reid declared a conflict of interest on HB 136 and did not vote on the Consent Calendar.

**HB 106**, relative to honey products. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill is a request of the Department of Agriculture (Markets & Food) and amends the requirements regarding the labeling of honey and honey products. The bill also adds a definition of honey products. The amendment allows producers to also list honey as "not graded" on its labels. The bill is supported by local producers as well as the New Hampshire Beekeepers Association. Vote 15-0.

### Amendment (0044h)

Amend RSA 429:20, 1 as inserted by section 3 of the bill by replacing it with the following:

1. Every shipment, package or container of honey packed, sold, offered or exposed for sale or distribution by any person shall be plainly marked for packaging and labeling [rules], and shall include:

- (a) The name, address and zip code of the packer, *distributor, or producer*;
- (b) The true name of the product;
- (c) The grade, *or the term "not graded"*; and
- (d) The volume of the contents at 68 degrees Fahrenheit or 20 degrees Celsius *or the net weight of the contents*.

**HB 108**, prohibiting retailers from selling wine, beer, and cigarettes below the wholesale cost. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: The committee feels strongly that this legislation would be a restraint of free trade. New Hampshire did have a law back in the late 70's and 80's that said the price of wine could not fall below that of the liquor commission. That law was repealed in 1988. None of our bordering states have this kind of law and both the liquor commission and the retail grocers opposed the bill. While the committee felt some sympathy for small corner stores not being able to compete with larger retailers, the committee felt that this legislation was not appropriate. Vote 12-0.

**HB 114**, relative to notice requirements governing self-storage facility liens. **INEXPEDIENT TO LEGISLATE**

Rep. Jane S. Langley for Commerce: The committees found that notice of non-payment of self-storage fees was provided for under existing law. Currently the law provides for notice to the occupant which includes any personal representative or agent designated, and testimony from the industry indicates they actively pursue other notice not currently mandated. Vote 14-0.

**HB 129**, relative to amending condominium instruments governing assignment of limited common areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: The committee heard extensive testimony from the industry with regard to the burden placed on condominium associations to garner 100% agreement in controlling the limited common area and common areas. While agreeing to the change to 2/3 of the voting members to create or expand limited common area, the bill provides that unit owners undivided interest may not be altered; the condominium documents may create a more restrictive standard, and any cost associated with the expansion or creation of limited common area must be borne by the unit benefited. Vote 15-0.

**Amendment (0043h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Condominium Act; Amending Assignment of Limited Common Areas. Amend RSA 356-B:19, III to read as follows:

III. A common area not previously assigned as a limited common area shall be so assigned only pursuant to RSA 356-B:16, I(f), *except that limited common areas may be created or expanded pursuant to an amendment to the condominium instruments consented to by 2/3 of the votes in the unit owners association, or such higher percentage as the condominium instruments may provide, and then thereafter assigned as therein provided.* The amendment to the declaration making such an assignment shall be prepared and executed by the principal officer of the unit owners' association, or by such other officer or officers as the condominium instruments may specify. Such amendment shall be delivered to the unit owner or owners of the unit or units concerned upon payment by them of all reasonable costs for the preparation and acknowledgment thereof. Said amendment shall become effective when the aforesaid unit owner or owners have executed and recorded it, and the recordation thereof shall be conclusive evidence that the method prescribed pursuant to RSA 356-B:16, I(f) was adhered to. *The creation or expansion of limited common areas pursuant to this paragraph shall not alter the amount of undivided interest in the common areas allocated to any unit.*

2 Condominium Act; Liabilities for Common Expenses. Amend RSA 356-B:45, I to read as follows:

I. Except to the extent that the condominium instruments provide otherwise, any common expenses associated with the maintenance, repair, renovation, restoration, or replacement of any limited common area shall be specially assessed against the condominium unit to which that limited common area was assigned at the time such expenses were made or incurred. *This provision shall also apply to the expansion or creation of limited common areas pursuant to RSA 356-B:19, III.*

If the limited common area involved was assigned at that time to more than one condominium unit, however, such expenses shall be specially assessed against each such condominium unit equally so that the total of such special assessments equals the total of such expenses, except to the extent that the condominium instruments provide otherwise.

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 136**, making attorneys subject to the Consumer Protection Act. **INEXPEDIENT TO LEGISLATE**  
Rep. Anthony R. DiFruscia for Commerce: The bill created much discussion about whether lawyers should be singled out or all occupations that have state regulated boards should be included in the consumer protection act. Currently the law exempts any trade that is regulated by a state board. The sponsor agreed with the committee that the subject can be taken up with a previously passed bill (HB 109), relative to a chapter study on the consumer protection law. Vote 15-0.

**HB 123-FN**, relative to the retirement system classification for the director of the division of safety services, department of safety. **OUGHT TO PASS**  
Rep. Charles Q. Hall for Executive Departments and Administration: This bill allows the director of safety services, if certified as a police officer with 10 years of vested service, to maintain group II membership in the New Hampshire retirement system. After due deliberations at the public hearing and in two subsequent subcommittee sessions, the committee determined that the policy outlined in HB 123-FN would provide the department of safety with an appropriate incentive for the recruitment and retention of a well qualified person for the position of director of safety services. Vote 16-1.

Referred to Finance.

**HB 145-FN-A-L**, establishing the position of state animal control officer and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**  
Rep. Carl G. Robertson for Executive Departments and Administration: This bill was designed to establish the position of state animal control officer to be funded by dog license fees assessed by local communities. It was the overwhelming opinion of the committee that this bill created more problems than it could resolve. It did not clearly establish whether that position would be advisory or enforcement and it was very clear that one person could not do either job on statewide basis. The logistical costs to support such a position were not presented and the committee felt that other factors could increase the cost significantly. A survey of several local police departments indicated strong opposition to the plan. They felt the position would be redundant and that this was a local matter better served by someone who was familiar with the community. There was no evidence to show a need for the position. Vote 14-0.

**HB 228**, relative to dealing in and possessing prescription drugs by podiatrists. **OUGHT TO PASS**  
Rep. Alida Millham for Health, Human Services and Elderly Affairs: The Pharmacy Practice Act is amended to include podiatrists on the list of health care practitioners that are allowed to possess, compound, personally administer or distribute prescription drugs to meet the immediate medical needs of their patients. This is an action to correct an inadvertent omission in the Pharmacy Act. This is fundamentally a housekeeping correction. Vote 18-1.

**HB 140**, relative to interest on judgments. **OUGHT TO PASS WITH AMENDMENT**  
Rep. James W. Craig for Judiciary: In civil lawsuits in New Hampshire, interest is awarded to a winning party from the date that the suit is filed. This is to compensate a prevailing party for the loss of the use of that money and to encourage settlement. The award of interest is codified in two statutes, RSA 524:1-b and RSA 527:10. These statutes create a gap in the award of interest between the time of verdict and the time of judgment. This bill simply closes that gap and is meant to be a technical correction. Vote 17-1.

#### Amendment (0007h)

Amend RSA 524:1-b as inserted by section 1 of the bill by replacing it with the following:

524:1-b Interest from Date of Writ. In all other civil proceedings at law or in equity in which a verdict is rendered or a finding is made for pecuniary damages to any party, whether for personal injuries, for wrongful death, for consequential damages, for damage to property, business or reputation, for any other type of loss for which damages are recognized, there shall be added forthwith by the clerk of court to the amount of damages interest thereon from the date of the writ



or the filing of the petition to the date of [~~such verdict or finding~~] **judgment** even though such interest brings the amount of the [~~verdict or findings~~] **judgment** beyond the maximum liability imposed by law.

**HB 160**, establishing a committee to study the issue of one-day/one-trial jurors. **OUGHT TO PASS**  
Rep. Peter F. Bergin for Judiciary: After hearing testimony, the committee felt that this bill had merit. Currently, a person if called to jury duty, must serve for one month. This often causes a hardship on some jurors because of the amount of time required to serve. The one day/one trial jury system concept is worth studying especially in the southern part of the state where there is a larger population from which to draw jurors. The study committee could also recommend whether this system should be initiated, and if so, whether it should be extended into the northern part of the state. Vote 16-0.

**HB 161**, establishing a committee to study the use of jurors 16 years of age or younger in criminal trials where the defendant is a juvenile. **INEXPEDIENT TO LEGISLATE**  
Rep. Christopher P. Reid for Judiciary: While the committee supports ideas involving youth participation such as peer mediation, and while some members of the committee feel that advisory jurors 16 years of age or younger may be worth studying in the future, the committee was concerned that jurors 16 and under in felony cases raises too many constitutional and logistical questions. Vote 16-0.

**HB 175-FN-L**, relative to the amount and scope of the homestead right. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane Wood for Judiciary: The Homestead Act was passed July 4, 1851 to provide a home for the spouse when the husband left home to go west in search of fortune. What began as a life estate for the spouse to reside in the home owned by the husband is now a monetary safeguard in case one's home is lost to creditors. The subcommittee studying this bill decided unanimously that only two changes were recommended: 1) the monetary amount be raised from \$30,000 to \$50,000; 2) language regarding property interest should be inclusive of his "or her" interest. Note that the homestead amount is not intended to necessarily allow a person to keep one's home but to be left with something, to re-establish a living arrangement so as not to be "homeless". Vote 14-0.

#### Amendment (0035h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the amount of the homestead right.

Amend the bill by replacing all after the enacting clause with the following:

1 Homesteads; Amount. Amend RSA 480:1 to read as follows:

480:1 Amount. Every person is entitled to [~~\$30,000~~] **\$50,000** worth of his *or her* homestead, or of his *or her* interest therein, as a homestead. The homestead right created by this chapter shall exist in manufactured housing, as defined by RSA 674:31, which is owned and occupied as a dwelling by the same person but shall not exist in the land upon which the manufactured housing is situated if that land is not also owned by the owner of the manufactured housing.

2 Effective Date. This act shall take effect January 1, 2002.

#### AMENDED ANALYSIS

This bill increases the amount of the homestead right under RSA 480.

**HB 182-FN**, increasing the number of supreme court justices. **INEXPEDIENT TO LEGISLATE**  
Rep. John M. Pratt for Judiciary: This bill would have increased the number of supreme court judges from five to seven. The sponsor thought that such a change would help to alleviate the backlog at the court and would further allow for a greater number of cases to be heard. The committee was of the opinion that the question of the number of supreme court justices is a part of the larger question of our state's increasing appellate caseload, and that issue will be addressed in a study conducted under HB 135 which has already passed the House. Vote 16-1.

**HB 230**, relative to scheduled permanent impairment awards under the workers' compensation law. **OUGHT TO PASS**

Rep. Edgar H. Mears for Labor, Industrial and Rehabilitative Services: The committee heard compelling testimony from citizens, whose lives have changed drastically as a result of brain injury or seriously disfigured as a result of burns. The committee overwhelmingly supports the need to include these devastating injuries in the schedule impairment awards under Workers Compensation RSA 281-A:32. Vote 18-0.



**HB 163**, establishing a committee to study opening the state house to the public on weekends. **OUGHT TO PASS**

Rep. Peter F. Bergin for Legislative Administration: The committee after hearing testimony felt that this bill had merit. A great number of citizens and tourists who visit Concord during the weekend are disappointed that the State House is closed. The study will analyze the cost and feasibility of keeping the State House open during the weekend. Vote 13-0.

**HB 113-L**, relative to the Nute High School and library trustees. **OUGHT TO PASS**

Rep. Richard C. Leone for Municipal and County Government: In 1889, the New Hampshire Legislature passed an act incorporating the Nute High School and Library in the Town of Milton. The 19th century act capped the Trustee non-taxable assets at \$300,000. Since this is a well administered fund used for the betterment of the operation of the school and community library at Nute High School, the committee felt that a cap was not needed. Vote 16-0.

**HB 107**, naming a certain bridge in the town of Milford. **OUGHT TO PASS**

Rep. Lawrence J. Guay for Public Works and Highways: This bill names the bridge at route 101 and North River Road over the Souhegan River in the town of Milford the Veterans Bridge. The committee appreciates what the veterans have done for our country and that it is a great honor to pass this bill. Vote 17-0.

**HB 125**, naming New Hampshire route 12-A from West Lebanon to the Cornish-Windsor Bridge the Maxfield Parrish Highway. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Cloutier for Public Works and Highways: This bill as amended would name a section of route 12-A from West Lebanon to the Cornish-Windsor Bridge for American artist Maxfield Parrish, who lived and worked in the area, through which the highway passes, for many years before dying in 1966. The amendment insures that the cost of design, construction, maintenance and installation of any signage, replacement signage, or other markers necessary for the naming would not be a charge to the state, though such work shall be approved by the state Department of Transportation. Vote 15-0.

**Amendment (0012h)**

Amend the bill by replacing all after section 1 with the following:

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under section 1 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 178-FN**, permitting certain village districts to become eligible for state highway aid apportionment. **INEXPEDIENT TO LEGISLATE**

Rep. Saghir A. Tahir for Public Works and Highways: Towns have the authority to accept and maintain roads within their towns. Village districts have the option to turn their roads over to the town. In each case that the committee heard testimony from one or the other, parties chose not to do this. As town roads, they would be eligible for apportionment and state highway aid. The committee felt that since this could be settled locally, it should be, and not have the state interfere. Although the committee could see the dilemma faced by the village districts, the members felt this change would not be in the best interest of the state. Vote 14-2.

**HCR 3**, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. **INEXPEDIENT TO LEGISLATE**  
Rep. Frank C. Guinta for State-Federal Relations and Veterans Affairs: The committee unanimously agrees that rescinding all requests by the NH legislature for a federal constitutional convention, and urging other states to withdraw similar requests, would limit the state's ability to call for a constitutional convention and would deem null and void, without reason, all prior requests made by the General Court. The committee feels strongly in supporting previous calls for constitutional conventions made by the NH legislature. Vote 12-0.

**HJR 1**, urging Congress to expand eligibility for membership in the American Legion. **OUGHT TO PASS**

Rep. Russell A. Albert for State-Federal Relations and Veterans Affairs: The committee was unanimous in supporting this resolution for Congress expanding the eligibility for members in the American Legion. The committee felt that many otherwise qualified veterans are prevented from joining, due to the restrictions on dates of service. This would allow many more veterans who served honorably to be eligible for membership in the American Legion. Vote 12-0.

**HB 127**, relative to motor vehicle dealer plates. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: The committee found no practical reason to amend this RSA. The legislative intent of this RSA is to insure that those who are using dealer plates are legitimate businesses and conforming to the law. The committee did extensive changes on the dealer and repair plate RSAs in 1997. These changes were needed to curb the many abuses that were occurring at that time. The amended law is working well. Vote 13-0.

**HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: Establishing a task force to monitor, provide information, be a resource, and assist in any way possible the reestablishment of the Lawrence-Manchester rail corridor, as well as the northern rail line corridor from Concord to Lebanon is the next step in reestablishing rail service in New Hampshire. All testimony was favorable. Vote 13-0.

**HB 208-FN**, changing the license requirement for operators collecting the meals and rooms tax. **OUGHT TO PASS**

Rep. Norman L. Major for Ways and Means: This bill, which was requested by the department of revenue administration, eliminates the requirement that the licenses for meals and rooms operators be renewed every two years for a fee of \$5.00 per license. While these license fees have been used by the department to offset the direct costs associated with the licensing process; the department recognizes that the costs of the process outweigh the benefits as the renewal process has become a major undertaking for the department involving three of the department's divisions: Document Processing, Collections, and Information Services. The current meals and rooms tax collection system is much more sophisticated and automated than it once was and because of these changes, the department has determined that a one-time license of indefinite duration is sufficient. As structured in this bill, once an operator receives a license, it will be valid indefinitely or until the business is sold or goes out of business. While the bill will decrease state revenues by \$38,000 per biennium, the loss of revenues will be more than offset by the reduction in direct costs experienced by the department in issuing the licenses. Vote 14-0.

Adopted.

Referred to Finance.

## REGULAR CALENDAR

**HB 102**, allowing bankruptcy judges to perform marriages after obtaining a special license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara Hull Richardson for Children and Family Law: Only two federal bankruptcy judges in New Hampshire will be affected by this bill. It allows them to perform marriage ceremonies after obtaining a special license from the secretary of state. It was probably an oversight in the original law which excluded this category of judges. Vote 9-3.

### Amendment (0005h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Rep. Rowe spoke against.

Rep. Arnold spoke against and yielded to questions.

Reps. Foster and Dowling spoke in favor.

Report adopted and ordered to third reading.

**HB 138**, relative to participation by minors in certain athletic activities. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold, Jr. for Children and Family Law: The majority believed that while elimination of purposeful blows to the head is a desirable goal, the incidence of such injuries is insufficient to offset the intrusiveness of government if it were to prohibit such activities. Additionally, the waivers which participants and parents are required to sign clearly specify the risks involved. Vote 9-4.

Rep. Pilliod spoke against and yielded to questions.

Rep. Dowling spoke in favor.

Adopted.

**HB 105-FN-A**, establishing an agricultural nutrient management program and making an appropriation therefor. **OUGHT TO PASS**

Rep. Leighton C. Pratt for Environment and Agriculture: Relative program shall assist agriculture land and livestock owners with efforts to minimize potential adverse effects on water of the state resulting from agriculture compost. This will provide provisions for federal funding to assist in administering this program. Vote 17-0.

Adopted.

Referred to Finance.

**HB 139**, relative to administrative rules proposed by agencies, boards, and commissions regulating occupational licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill was relative to the process of proposed changes in rules regulating occupational licenses. It was an amendment to RSA 541-A:12. Even though the committee acknowledges that a problem may exist, this bill would not resolve the problem. After three meetings and two attempts at rewriting the amendment in a way that it would not hamper the process of establishing rules for licensed groups, it became clear to the committee that the bill would create a complex and burdensome process that had no means of enforcement. Further investigation showed that the issue that caused the filing of the bill was very narrow in scope. It was basically a communication problem between two groups and did not represent all licensed groups regulated by RSA 541-A:12. Vote 13-1.

Reps. Emerton and Dexter spoke in favor.

Adopted.

**HB 198-FN**, relative to state imposed time limits on public assistance eligibility. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: The committee voted House Bill 198 inexpedient to legislate after hearing approximately 15 witnesses. The vast majority of the witnesses opposed the bill and consisted of the state welfare director, local welfare administrators and social service agencies. No evidence was cited evidencing that residents of other states are moving to New Hampshire to take advantage of the five-year time limit. The current TANF welfare program is successfully moving people towards self-sufficiency. No data supports the position that the five-year time limit is more liberal than neighboring states. A decrease in the TANF time limit will result in a significant financial burden on local welfare administrators, which will adversely impact taxpayers in New Hampshire. Vote 18-1.

Adopted.

**HB 110-L**, increasing the period of years the city of Laconia may use a certain parcel of state land. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: This bill would amend the Laws of 1998, 223:10, III relative to the city use of a parcel of state land in the Lakes Region Correctional Facility for a period (change from 5 years to 99 years). The sponsor and others who testified indicated it is thought that the law was written in error since three other parcels across Eastman Road were leased to the city for 99 years to be used as recreational facilities. Assuming it was an administrative error, it should be corrected. However, committee research found that the Senate Journal of June 18, 1998, reflected the discussion of the Committee of Conference report on HB 1100-FN, relative to the construction of a prison in Berlin, and the agreement between the state of New Hampshire and the city of Laconia, relative to the future use of the Lakes Region Correctional Facility. A Senator who was a member of the conference committee reported on the floor of the Senate, "The three parcels that were discussed and there is a fourth parcel also, that I would call the main part of the prison



complex, it is a relatively flat piece of land now. The city will have an opportunity to use that for five years to enable the other parcels to be developed. There is extensive work to be done on those other parcels to make them ball fields and the state will do that work as the Senate President said." In view of the foregoing it is the opinion of the committee that it was not an error and it was specifically intended to be a temporary use for five years to permit development of the other parcels leased to the city for 99 years. Further, the committee's position is that the agreement should run its course to 2003, and review the law as to the completion of all commitments by the state and the city. Also, to determine the future needs for the state use of the land. Vote 14-2.

Adopted.

**HB 116, establishing a policy for naming state highways, bridges, and buildings. OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Cloutier for Public Works and Highways: This bill as amended would establish a broad, comprehensive policy for naming state highways, bridges and buildings. Persons for whom such structures would be named would have to be deceased at least two years. Also, persons and organizations for which such structures would be named shall have made a positive contribution to a local community, and/or the state, and/or the nation. The cost of any signage, replacement signage, or other markers required for such naming shall not be a cost to the state, but the design, construction and installation of such signage and markers shall be approved by the state Department of Transportation. Finally, no structure presently named shall be renamed, including those named for persons now living. Vote 19-0.

**Amendment (0027h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Section; The State and Its Government; Powers of the Governor and Council; Criteria for Naming State Highways, Bridges, and Buildings. Amend RSA 4 by inserting after section 43 the following new section:

**4:43-a Criteria for Naming State Highways, Bridges, and Buildings.**

I. A person after whom a state highway, bridge, or building is named shall:

(a) Have been deceased for at least 2 years.

(b) Have made a positive contribution to his or her local community, and/or the state, and/or the nation.

II. An organization or other entity after which a state highway, bridge, or building is named shall have made a positive contribution to its local community, and/or the state, and/or the nation.

III. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under this section shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this section shall be approved by the department of transportation.

IV. No state highway, bridge, or building shall be renamed as result of this section.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes certain criteria for naming a state highway, bridge or building after a person or organization.

Adopted.

Reps. Wheeler and Lachance spoke against and yielded to questions.

Reps. Edwin Smith and Cloutier spoke in favor.

Adopted and ordered to third reading.

**HB 172-FN-A, to construct a noise barrier along a portion of I-95 and making an appropriation therefor. INEXPEDIENT TO LEGISLATE**

Rep. Lawrence J. Guay for Public Works and Highways: The committee realizes that this neighborhood does have a problem created by traffic on I-95. The bill asks for a \$10,000 appropriation to complete the project, however, the Fiscal Note estimates the cost to be \$1.2 million. Our committee has to be mindful of the 10-Year Plan process. Projects of this nature originate from the Regional Planning process and work their way up to the Legislature over a two-year period. If we approve this legislation some other project already approved will be displaced. If any other community is willing to step aside and give their funding slot to this project, it would be easy. The



early part of the planning process at the local level is now in progress, so it is not too late to appeal to the local planning origination and try to get this project included. The recommendations for funding the next 10-year cycle are do to be reported to the Department of Transportation on April 1, 2001, by the local planning organization. The committee also heard about a safety issue concerning a gas pipeline in the neighborhood. This was not mentioned anywhere in the bill, and our committee did not feel that we could deal with this issue under this bill. The committee thought that the safety concerns should be addressed. The DOT is checking on this, and the committee will respond in any way that we can if action is necessary for this concern by us. Vote 11-5.  
 Adopted.

**HB 101**, relative to suspension of lobbyists for false statements or misrepresentation of material facts. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Legislative Administration: Although well intentioned, this bill could create unintended consequences, if passed. In the "real world" one can only imagine the considerations of proving intent, on one hand, and the real problem of a lobbyist being falsely accused. The Committee unanimously agreed that this approach would be dangerous. Vote 13-0.

Rep. Marshall Quandt moved Re-commit to Committee and spoke in favor.

Rep. Horton spoke in favor.

Re-committed to the Committee on Legislative Administration.

## RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 15, 2001 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 106**, relative to honey products.

**HB 129**, relative to amending condominium instruments governing assignment of limited common areas.

**HB 228**, relative to dealing in and possessing prescription drugs by podiatrists.

**HB 140**, relative to interest on judgments.

**HB 160**, establishing a committee to study the issue of one-day/one-trial jurors.

**HB 175-FN-L**, relative to the amount of the homestead right.

**HB 230**, relative to scheduled permanent impairment awards under the workers' compensation law.

**HB 163**, establishing a committee to study opening the state house to the public on weekends.

**HB 113-L**, relative to the Nute High School and library trustees.

**HB 107**, naming a certain bridge in the town of Milford.

**HB 125**, naming New Hampshire route 12-A from West Lebanon to the Cornish-Windsor Bridge the Maxfield Parrish Highway.

**HJR 1**, urging Congress to expand eligibility for membership in the American Legion.

**HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

**HB 102**, allowing bankruptcy judges to perform marriages after obtaining a special license.

**HB 116**, establishing a policy for naming state highways, bridges, and buildings.

## RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purposes of introduction of bills, receiving Senate messages and enrolled bill reports.

Adopted.

The House recessed at 11:30 a.m.

RECESS

**(Rep. Mercer in the Chair)****RESOLUTION**

Rep. Kurk offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 623 through 674, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 623**, relative to the registration of criminal offenders. (Kurk, Hills 5: Criminal Justice and Public Safety)

**HB 624**, establishing a committee to study requiring mandatory ethics seminars for judges. (Alger, Graf 9; Sova, Graf 11; J. Pratt, Ches 2; Soltani, Merr 10; Wheeler, Dist 21; Roberge, Dist 9: Judiciary)

**HB 625-FN**, establishing a moratorium on the land application of class B biosolids. (B. Hall, Hills 20: Environment and Agriculture)

**HB 626**, relative to an override of the limitation on appropriations by a local legislative body. (Melcher, Hills 11: Municipal and County Government)

**HB 627-FN**, establishing a market-based water pollutant trading program. (B. Hall, Hills 20: Municipal and County Government)

**HB 628**, relative to disclosure of cost of services by medical providers and relative to cost of medical services charged to uninsured consumers. (Dickinson, Carr 2; Seldin, Merr 17: Health, Human Services and Elderly Affairs)

**HB 629-FN-A**, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor. (Snyder, Straf 14; Spang, Straf 8; J. White, Hills 46; McCarley, Dist 6; O'Hearn, Dist 12: Education)

**HB 630**, establishing a committee to study ayurvedic health care. (Nowe, Rock 3; Robb, Sull 11; Millham, Belk 4; Wall, Straf 9; Dalrymple, Rock 26; Wheeler, Dist 21: Executive Departments and Administration)

**HB 631-L**, relative to access to public school programs by home educated pupils. (B. Hall, Hills 20; Arnold, Hills 20; Giuda, Graf 3: Education)

**HB 632**, allowing the sale of collectible beer without a license. (Lawton, Belk 1; Packard, Rock 29; Johnson, Dist 3: Commerce)

**HB 633**, relative to the order of names on ballots. (Vaillancourt, Hills 44; Foster, Hills 10: Election Law)

**HB 634**, relative to public/private partnership projects in the department of transportation. (Gleason, Rock 13; G. Katsakiores, Rock 13; Major, Rock 16; Nowe, Rock 3; Barnes, Dist 17: Public Works and Highways)

**HB 635**, relative to family mutual support services. (Manning, Ches 9; Emerson, Ches 13; Leach, Hills 9; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 636**, enabling municipalities to enact "organic zones" that exclude commercial farmers that are not organic certified. (Rabideau, Rock 16; Lynde, Hills 24: Municipal and County Government)

**HB 637-FN**, requiring training for certain members of the workers' compensation appeals board. (Espieffs, Ches 19; Wall, Straf 9; J. Pratt, Ches 2; K. Gilbert, Rock 19; Eaton, Dist 10: Labor, Industrial and Rehabilitative Services)

**HB 638**, relative to certification of food protection managers. (Emerton, Hills 7; P. Katsakiores, Rock 13; Millham, Belk 4; Health, Human Services and Elderly Affairs)

**HB 639**, relative to the preparation of town ballots and relative to the nomination of presidential electors. (Gilmore, Straf 11: Election Law)

**HB 640**, establishing a committee to study changing the Hooksett liquor store into a family hospitality center. (Leishman, Hills 13: Public Works and Highways)

**HB 641-FN-A**, relative to a study by the legislature of gender bias in the New Hampshire court system and making an appropriation therefor. (Wendelboe, Belk 2: Legislative Administration)

**HB 642-FN-L**, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize former county correctional facilities as state facilities. (Cloutier, Sull 8; Burling, Sull 1; Leone, Sull 2: Criminal Justice and Public Safety)

- HB 643-FN**, establishing a committee to study a long-term care protection plan and extending the moratorium on new nursing home beds. (Kurk, Hills 5: Health, Human Services and Elderly Affairs)
- HB 644-FN-A-L**, requiring the sweepstakes commission to hold a sealed bid auction for permits to operate slot machines and providing municipalities the option of allowing the operation of slot machines. (V. Clark, Rock 17: Ways and Means)
- HB 645-FN-A-L**, relative to state aid for provision of an adequate education, and for additional local education tax relief. (V. Clark, Rock 17: Education)
- HB 646**, relative to an exemption for pupils scoring at the advanced level on the verbal portion of the state assessment test. (V. Clark, Rock 17: Education)
- HB 647-FN-L**, relative to the power of governmental entities to appropriate public money. (Souza, Hills 40; Albert, Straf 17; D. White, Hills 25; Boyce, Dist 4: Municipal and County Government)
- HB 648-FN**, designating certain child care agencies as homeless youth programs. (Emerton, Hills 7; Panagopoulos, Hills 47; Chabot, Hills 48; Gile, Merr 16; Roberge, Dist 9; D'Allesandro, Dist 20; O'Hearn, Dist 12; Johnson, Dist 3: Children and Family Law)
- HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty. (Langer, Merr 11; Dyer, Hills 8; R. L'Heureux, Hills 18; Gorman, Hills 29; Stohl, Coos 1: Executive Departments and Administration)
- HB 650-FN**, relative to master plans. (M. Fuller Clark, Rock 36; Melcher, Hills 11; Brundige, Hills 18; Dokmo, Hills 14; Spang, Straf 8; Fernald, Dist 11; Below, Dist 5: Municipal and County Government)
- HB 651-FN-A-L**, authorizing the establishment of state-owned casino and convention center facilities and making an appropriation therefor. (R. L'Heureux, Hills 18; Lessard, Hills 23: Ways and Means)
- HB 652**, relative to the penalties for reckless or negligent operation of a motor vehicle. (R. L'Heureux, Hills 18; Letourneau, Rock 13; C. Hall, Hills 18; Tholl, Coos 5; Roberge, Dist 9; Wheeler, Dist 21; Gordon, Dist 2: Transportation)
- HB 653-FN**, relative to certain signs within highway rights-of-way. (Kurk, Hills 5; Hopper, Hills 5; Teschner, Graf 5; Packard, Rock 29; Avery, Ches 8; Eaton, Dist 10; Flanders, Dist 7; Gordon, Dist 2: Public Works and Highways)
- HB 654-FN-L**, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities. (Phinizy, Sull 7; Gilmore, Straf 11; Franklin, Sull 4; Robb, Sull 11; D. White, Hills 25: Environment and Agriculture)
- HB 655-FN-A-L**, establishing an advance disposal fee to fund local mercury presorting and recycling programs. (Phinizy, Sull 7; Gilmore, Straf 11; Franklin, Sull 4; Robb, Sull 11; D. White, Hills 25: Environment and Agriculture)
- HB 656-FN-L**, relative to the formula for distributing school building aid grants. (Alger, Graf 9; Letourneau, Rock 13; Ward, Graf 1; Johnson, Dist 3: Education)
- HB 657**, relative to bail recovery agents. (Dickinson, Carr 2; Gilmore, Straf 11; Fields, Hills 18; Dokmo, Hills 14: Executive Departments and Administration)
- HB 658-FN-A**, relative to the homeless prevention fund and making an appropriation therefor. (Potter, Merr 24; M. Smith, Straf 8: Health, Human Services and Elderly Affairs)
- HB 659-FN**, relative to penalties for attempting to purchase firearms illegally. (Pepino, Hills 40; Dickinson, Carr 2; Buckley, Hills 44; D'Allesandro, Dist 20; Roberge, Dist 9: Criminal Justice and Public Safety)
- HB 660**, relative to out-of-home placements in juvenile abuse and neglect cases. (Lyman, Carr 5; Pantelakos, Rock 30: Children and Family Law)
- HB 661**, relative to hearing timelines in abuse and neglect cases. (Lyman, Carr 5: Children and Family Law)
- HB 662**, relative to the voluntary merger of contiguous lots. (V. Clark, Rock 17: Municipal and County Government)
- HB 663**, relative to lights on school buses. (P. Bradley, Coos 6; Stohl, Coos 1; L. Pratt, Coos 4; Mears, Coos 7: Transportation)
- HB 664**, relative to disqualification for violating election laws. (Mirski, Graf 12: Election Law)
- HB 665**, protecting licensed professionals from retaliation from their licensing boards for criticism of board practices. (Mirski, Graf 12: Executive Departments and Administration)



**HB 666**, permitting the placement of political advertising on highway rights-of-way. (Leber, Merr 1: Election Law)

**HB 667**, relative to certain reporting requirements and relative to meetings of the board of medicine. (Pilliod, Belk 3: Executive Departments and Administration)

**HB 668**, prohibiting the use of genetic testing for certain insurance purposes. (Kurk, Hills 5; Gilmore, Straf 11; Below, Dist 5: Commerce)

**HB 669**, requiring certain safety devices on freight locomotives. (Baroody, Hills 42; M. Fuller Clark, Rock 36; O'Neil, Dist 18: Transportation)

**HB 670**, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. (Weed, Ches 19; Potter, Merr 24; J. Bradley, Carr 8; Boyce, Dist 4: Commerce)

**HB 671**, enabling municipalities to adopt a property tax credit based on income for blind, disabled, or elderly taxpayers receiving Social Security income. (Burnham, Ches 8; Melcher, Hills 11 Municipal and County Government)

**HB 672**, relative to coverage for mental and nervous conditions. (Crosby, Merr 20; Taylor, Straf 11; Manning, Ches 9; Peterson, Hills 8; Wheeler, Dist 21: Commerce)

**HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency. (Akins, Graf 14; Dudley, Graf 14: Municipal and County Government)

**HB 674**, enabling towns and school districts to adopt a policy for the removal of local elected officials for cause. (V. Clark, Rock 17: Municipal and County Government)

## RECESS

(Rep. Linda Foster in the Chair)

## RESOLUTION

Rep. Gorman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 675 through 686 and House Joint Resolution numbered 5, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HJR

### First, second reading and referral

**HB 675**, relative to mercury source reduction. (Lynde, Hills 24; Melcher, Hills 11; Musler, Straf 6; Cobb, Graf 5; Below, Dist 5: Environment and Agriculture)

**HB 676-L**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. (Phinizy, Sull 7; Franklin, Sull 4; Bergeron, Hills 24; Odell, Sull 5; Gilmore, Straf 11; Cohen, Dist 24: Environment and Agriculture)

**HB 677**, relative to certification and filing of nomination papers. (Gilmore, Straf 11; Alger, Graf 9: Election Law)

**HB 678**, relative to notice of release of an inmate from state prison. (Fairbanks, Ches 18; Edwards, Ches 19; Eaton, Dist 10: Criminal Justice and Public Safety)

**HB 679**, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12. (Potter, Merr 24; M. Fuller Clark, Rock 36; Wheeler, Dist 21: Education)

**HB 680**, relative to foreign insurers. (Avery, Ches 8: Commerce)

**HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities. (J. Bradley, Carr 8; Below, Dist 5: Science, Technology and Energy)

**HB 682**, relative to accidental disability income benefits. (Bickford, Straf 1: Executive Departments and Administration)

**HB 683**, relative to the prescription of Methylphenidate (Ritalin) to minors. (Albert, Straf 17; Salts, Hills 41: Health, Human Services and Elderly Affairs)



**HB 684**, relative to the occupational therapy practice act. (Millham, Belk 4: Executive Departments and Administration)

**HB 685-FN**, allowing pregnant women to use parking spaces reserved for persons with disabilities. (Kenney, Carr 6; Rabideau, Rock 16: Transportation)

**HB 686**, relative to the scope of discovery in abuse and neglect cases. (Mirski, Graf 12; Bickford, Straf 1; Soltani, Merr 10: Children and Family Law)

**HJR 5**, encouraging the use of renewable energy systems in new or rehabilitated state buildings. (D. White, Hills 25: Public Works and Highways)

## RECESS

### (Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 6

Thursday, February 15, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Set us free, O God of all creation, that Your holy and life-giving Spirit may so move every human heart, and especially the hearts of the people of this land, that barriers which divide us may crumble, suspicions disappear, and hatreds cease; that our divisions being healed, we may live in safety and peace, and truly become a nation under Your care, indivisible, with liberty and justice for all. Amen.

Rep. Margaret A. Case led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Brown, French, and Cecelia Kane, the day illness.

Reps. Bartlett, Bergeron, Cardin, Stephanie Eaton, Emerson, Fletcher, Marilyn Fraser, George Katsakiores, Phyllis Katsakiores, Lessard, Mirski, Musler, Marsha Pelletier, Pilliod, Scovner and Torressen, the day, important business.

Reps. Thomas and Winter, the day, death in the family.

Rep. Priestley, the day, illness in the family.

### INTRODUCTION OF GUESTS

Donald and Geraldine Bellavance, brother and sister-in-law of Rep. Bellavance. Christopher Dodge, son of Rep. Dionne. Barbara Brewster, wife of Rep. Brewster.

### RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 687 through 699 and 701 through 707 and Constitutional Amendment Concurrent Resolutions numbered 17 and 18 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS and CACRs

#### First, second reading and referral

**HB 687-FN**, relative to labeling requirements of genetically engineered foods. (Lynde, Hills 24; Rabideau, Rock 16; Owen, Merr 6; Wheeler, Dist 21: Commerce)

**HB 688**, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules. (Gilman, Graf 1; Wendelboe, Belk 2; Herman, Hills 13: Executive Departments and Administration)

**HB 689**, establishing a committee to study the effectiveness and fairness of county government. (Leone, Sull 2; Leishman, Hills 13; Robb, Sull 11; Jones, Sull 3; Langley, Rock 24; Below, Dist 5: Municipal and County Government)

**HB 690**, adopting the "Financial Information Privacy Protection Model Act." (L. Fraser, Merr 9: Commerce)

**HB 691-FN-A**, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor. (Emerton, Hills 7; Rogers Johnson, Rock 25; Ward, Graf 1; Martel, Hills 45; Chabot, Hills 48; Cohen, Dist 24; D'Allesandro, Dist 20; Hollingworth, Dist 23: Health, Human Services and Elderly Affairs)

**HB 692**, relative to the use of psychological testing and psychiatric drugs in schools. (L. Christiansen, Hills 23; Bruno, Hills 4; Kennedy, Merr 7: Education)

**HB 693**, rescinding the prohibition on the possession and use of tobacco products by minors and making tobacco use prevention programs in secondary schools the priority of the tobacco use prevention fund. (L. Christiansen, Hills 23: Finance)

**HB 694**, establishing a separate high school civics graduation requirement. (Estabrook, Straf 8; Dickinson, Carr 2: Education)

**HB 695**, relative to net energy metering. (Pitts, Rock 35; Taylor, Straf 11; Gilmore, Straf 11; Keye, Hills 30: Science, Technology and Energy)

**HB 696**, requiring certain waterfront property to have an approved septic system. (Hager, Merr 18: Resources, Recreation and Development)

**HB 697**, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. (Hunt, Ches 10; Larsen, Dist 15: Commerce)

**HB 698**, relative to verification of checklists. (Gilmore, Straf 11; Flanagan, Rock 14: Election Law)

**HB 699**, relative to the rights of non-offending parents in the context of abuse and neglect cases. (Mirski, Graf 12; Soltani, Merr 10: Children and Family Law)

**HB 701**, relative to municipal regulation of renewable energy systems. (D. White, Hills 25: Municipal and County Government)

**HB 702**, making revisions to the consumer protection act. (Kennedy, Merr 7: Commerce)

**HB 703**, relative to durable powers of attorney. (Dokmo, Hills 14; Rowe, Hills 14; Leone, Sull 2: Judiciary)

**HB 704**, relative to the applicability of the right-to-know law to certain governmental committees. (Splaine, Rock 34; A. Pelletier, Straf 12: Judiciary)

**HB 705**, exempting certain disclosures by town officers from confidentiality requirements. (Splaine, Rock 34; A. Pelletier, Straf 12: Municipal and County Government)

**HB 706**, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings. (Gilmore, Straf 11: Children and Family Law)

**HB 707**, establishing a committee to study the usage of 211 as a uniform community service information and referral number. (Hager, Merr 18; Rodeschin, Sull 4; Gordon, Dist 2: Science, Technology and Energy)

**CACR 17**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. (Sapareto, Rock 13; D. White, Hills 25: Finance)

**CACR 18**, relating to elections and elective franchises. Providing that the inhabitants having proper qualifications shall have an equal right to elect and be elected into office. (Reid, Straf 12: Election Law)

### SUSPENSION OF RULES

Rep. Burling moved that the Rules be so far suspended as to permit late filing and introduction of a Resolution.

Reps. Burling and Millham spoke in favor.

Rep. Rowe spoke against.

Rep. Scanlan spoke against and yielded to questions.

Rep. Buckley requested a roll call; sufficiently seconded.

### YEAS 146 NAYS 208

#### YEAS 146

#### BELKNAP

Johnson, William

Millham, Alida

Salatiello, Thomas

Wood, Jane

#### CARROLL

None

#### CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espiefs, Peter

Lambert, Bernard

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Russell, Ronald

Weed, Charles

Zerba, Roger

#### COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Naro, Debra  
Solow, Martha

Benn, Bernard  
Nordgren, Sharon  
Williams, Burton

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Sokol, Hilda

**HILLSBOROUGH**

Andosca, Mary  
Clayton, William  
Craig, James  
Dwyer, Paul  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Melcher, Harold  
Panagopoulos, Nicholas  
Shaw, Barbara

Baroody, Benjamin  
Clemons, Jane  
Daigle, Robert  
Foster, Linda  
Haley, Robert  
Kacavas, John  
Leishman, Peter  
Movsesian, Lori  
Patria, Bonnie  
Sweeney, Cynthia

Bellavance, Paul  
Cote, David  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Lynde, Harold  
O'Connell, Timothy  
Peterson, Andrew  
White, John

Buckley, Raymond  
Cote, Peter  
Duval, Jeffrey  
Goley, Jeffrey  
Jean, Claudette  
Konys, Christine  
McDonough-Wallace, Alice  
Palangas, Eric  
Schulze, Joan  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Lockwood, Priscilla  
Perkins, Randy  
Seldin, Gloria

Brewster, Richard  
Gile, Mary  
Maxfield, Roy  
Potter, Frances  
Wallner, Mary Jane

Clarke, Claire  
Greco, Vincent  
Moore, Carol  
Rodd, Beth  
Whittemore, James

Crosby, Toni  
Hager, Elizabeth  
Owen, Derek  
Rush, Deanna  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Downing, Michael  
Norelli, Terie  
Sapareto, Frank  
Weatherspoon, Jacquelyne

Chalbeck, Kevin  
Langley, Jane  
O'Keefe, Patricia  
Shultis, Elizabeth

Clark, Martha Fuller  
McGuire, Robert  
Pantelakos, Laura  
Splaine, James

Coes, Betsy  
Micklon, Stephanie  
Pitts, Jacqueline  
Trueman, Raymond

**STRAFFORD**

Berube, Roger  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Spang, Judith

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

**NAYS 208****BELKNAP**

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Czech, Stanley  
Rice, Thomas Jr

Flanders, Donald  
Rosen, Ralph

Holbrook, Robert  
Russell, David

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Hunt, John

Dexter, Judson  
Roberts, William

Edwards, Dana  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin



**COOS**

Davis, Perley  
Pratt, Leighton  
Woodward, David

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene

Alger, John  
Gabler, William  
Scanlan, David

Barker, Robert  
Gilman, G Michael  
Sova, Charles

Cobb, John  
Giuda, Robert  
Teschner, Douglass

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Dyer, Merton  
Fields, Dennis  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Messier, Irene  
Pepino, Leo  
Sargent, Maxwell  
Tahir, Saghir  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Eaton, Richard  
Flora, Kathleen  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Milligan, Robert  
Reeves, Sandra  
Seibel, Christopher  
Tate, Joan  
White, Donald

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dokmo, Cynthia  
Elliott, Larry  
Ford, Nancy  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Moran, Edward  
Rowe, Robert  
Souza, Kathleen  
Thompson, Rob

Artz, Lawrence  
Bergin, Peter  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Drisko, Richard  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
Mercer, Robert  
Pappas, Marc  
Salts, Greg  
Spiess, Paul  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Hutchinson, John  
Langer, Ray  
Soltani, Tony

Colcord, J D  
Feuerstein, Martin  
Jacobson, Alf  
Leber, William  
Swindlehurst, John

Cummings, Raymond  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Davis, Frank  
Hess, David  
L'Heureux, Stephen  
Poulin, David

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Kelley, Jane  
Letourneau, Robert  
Moore, Benjamin  
Palermo, Diane  
Quandt, Matthew  
Saia, Pamela  
Varrell, Thomas  
Woekel, Ralph

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Kelley, William  
Major, Norman  
Morse, Charles  
Power, Lucille  
Rausch, James  
Sloan, Stephen  
Welch, David  
Zolla, William

Bishop, Franklin  
Carson, Sharon  
Corbin, Corey  
Dodge, Robert  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed II  
Robertson, Carl  
Stone, Joseph  
Weyler, Kenneth

Bowles, Raimond  
Case, Margaret  
Cox, Russell  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Langone, John  
Mikowski, Walter  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Whittier, John

**STRAFFORD**

Albert, Russell  
Lachance, Douglas

Bickford, David  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Dunlap, Patricia

**SULLIVAN**

Odell, Bob Rodeschin, Beverly  
and lacking the necessary two-thirds vote, the motion failed.  
Rep. Norelli moved that the debate on the suspension of rules be printed in the Journal.  
Rep. Soltani requested a roll call; sufficiently seconded.

**YEAS 178 NAYS 179****YEAS 178****BELKNAP**

Flanders, Donald	Johnson, William	Millham, Alida	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Bradley, Jeb	Quimby, Lee
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Espiefs, Peter	Lambert, Bernard	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Landers, Dana
Mears, Edgar	Stohl, Eric	Woodward, David	

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Sokol, Hilda
Solow, Martha			

**HILLSBOROUGH**

Andosca, Mary	Artz, Lawrence	Balcom, John	Baroody, Benjamin
Bellavance, Paul	Buckley, Raymond	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Dyer, Merton	Flora, Kathleen	Ford, Nancy
Foster, Linda	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	Lasky, Bette	Leach, Edward
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Moran, Edward	Movsesian, Lori	Palangas, Eric
Panagopoulos, Nicholas	Patria, Bonnie	Peterson, Andrew	Salts, Greg
Schulze, Joan	Shaw, Barbara	Spieß, Paul	Sweeney, Cynthia
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Clarke, Claire	Colcord, J D	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Coes, Betsy	Corbin, Corey	Downing, Michael
Francoeur, Sheila	Itse, Daniel	Johnson, Robert	Langone, John

McGuire, Robert  
Pantelakos, Laura  
Shultis, Elizabeth  
Woekel, Ralph

Micklon, Stephanie  
Pitts, Jacqueline  
Splaine, James

Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

O'Keefe, Patricia  
Sapareto, Frank  
Weatherspoon, Jacquelyne

## STRAFFORD

Albert, Russell  
DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

Berube, Roger  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lachance, Douglas  
Proulx, Raymond  
Spang, Judith

## SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

## NAYS 179

## BELKNAP

Boyce, Laurie  
Rice, Thomas Jr

Czech, Stanley  
Rosen, Ralph

Holbrook, Robert  
Russell, David

Nedeau, Stephen  
Wendelboe, Fran

## CARROLL

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy  
Stevens, Stanley

## CHESHIRE

Avery, Stephen  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

Hunt, John

Roberts, William

## COOS

Gallus, John  
Tholl, John Jr

Horton, Lynn

Pratt, Leighton

Rozek, Michael

## GRAFTON

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Williams, Burton

Alger, John  
Gabler, William  
Scanlan, David

Barker, Robert  
Gilman, G Michael  
Sova, Charles

Cobb, John  
Giuda, Robert  
Teschner, Douglass

## HILLSBOROUGH

Allan, Nelson  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Eaton, Richard  
Furman, Christine  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard  
Mercer, Robert  
Pepino, Leo  
Seibel, Christopher  
Thompson, Rob

Alukonis, David  
Bergin, Peter  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Elliott, Larry  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Arnold, Thomas Jr  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Emerton, Lawrence Sr  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
McHugh, Claire  
O'Connell, Timothy  
Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

Balboni, Michael  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
McRae, Karen  
Pappas, Marc  
Sargent, Maxwell  
Tate, Joan  
White, Donald

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Cummings, Raymond	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	Hess, David	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Poulin, David
Soltani, Tony	Swindlehurst, John	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Dowling, Patricia	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Johnson, Rogers	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Ruffner, Walter	Saia, Pamela	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

**STRAFFORD**

Bickford, David	Cossette, Larry	Dunlap, Patricia	Tsiros, William
Twombly, James	Woods, Phyllis		

**SULLIVAN**

Odell, Bob  
and the motion failed.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Calendar be adopted.

**HB 211-FN**, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws, removed by Rep. Sullivan.

**HB 296-FN**, relative to receiving stolen property, removed by Rep. John Pratt.

**HB 325-FN**, relative to certain acts of sexual assault, removed by Rep. Welch.

**HB 232**, relative to compensability of work-related stress injuries under the workers' compensation act, removed by Rep. Pitts.

**HB 187-FN-L**, relative to the Manchester airport authority security force, removed by Rep. Dodge. Consent Calendar adopted.

**HB 238**, relative to interstate banking. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: When interstate banking (SB 75) was adopted in 1995, included in the legislation was a five-year aging requirement of new acquisitions of financial institutions. This was included in the law to prevent purchase of financial institutions for the sole purpose of re-sale. In the year 2000, the General Court passed de novo banking (SB 310) which made the five-year requirement unnecessary. The committee was unanimous in recommending that the bill be reported out with a recommendation of ought to pass. Vote 15-0.

**HB 103**, relative to the possession of double-edged knives by convicted felons or during the commission or attempted commission of a violent crime. **OUGHT TO PASS WITH AMENDMENT**  
Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The committee felt that rather than adding a possible laundry list of weapons to the current statute, it was more desirable to clarify the existing statute by replacing "dangerous weapon", which doesn't have a definition in current law



with the phrase "deadly weapon as defined in RSA 265:11, V." This change will allow all jurisdictions to work from the same definition with a better chance of consistency when dealing with felons who are armed with a varying assortment of weapons. Vote 13-0.

### Amendment (0021h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

Amend the bill by replacing all after the enacting clause with the following:

1 Pistols and Revolvers; Convicted Felons; Prohibition on Deadly Weapons Added. Amend RSA 159:3, I (a) to read as follows:

(a) Owns or has in his possession or under his control, a pistol, revolver, or other firearm, or slung shot, metallic knuckles, billies, stiletto, switchblade knife, sword cane, pistol cane, blackjack, dagger, dirk-knife, ~~or any other dangerous weapon~~ *or other deadly weapon as defined in RSA 625:11, V;* and

2 Pistols and Revolvers; Possession of Dangerous Weapon While Committing a Violent Crime; Double Edged Knives Added. Amend RSA 159:15, I to read as follows:

I. A person shall be guilty of a class A misdemeanor if that person uses or employs slung shot, metallic knuckles, billies, or other ~~[dangerous weapons]~~ *deadly weapon as defined in RSA 625:11, V* during the commission or attempted commission of a violent crime.

3 Effective Date. This act shall take effect January 1, 2002. 2001-0021h

### AMENDED ANALYSIS

This bill prohibits a convicted felon from possessing any deadly weapon, as defined in statute, during the commission or attempted commission of a violent crime.

**HB 132-FN**, relative to the damage or destruction of an emergency vehicle or emergency services equipment. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The original bill, as introduced, would have created a class B felony for recklessly causing damage or destruction to emergency equipment under certain circumstances. It was not clear what amount of damage would initiate the felony. The committee felt that the subject should be included in the criminal mischief statute. The amendment adds to RSA 634:2, II, making the reckless damage to an emergency vehicle that it places "out of service" (unable to respond to an emergency) a class B felony, requires a minimum fine of \$1,000, and requires that restitution be made for the damages. There was testimony that a town suffered considerable monetary loss (in the thousands of dollars) that was not reimbursable as well as extensive loss of the use of the vehicles resulting in a potential public safety issue due to the unavailability of fire and ambulance vehicles. The loss of emergency equipment can greatly affect the public safety and in extreme cases prevent the saving of lives. Vote 15-0.

### Amendment (0070h)

Amend the bill by replacing section I with the following:

1 Criminal Mischief; Damage to an Emergency Vehicle or Emergency Equipment. Amend RSA 634:2, II to read as follows:

II.(a) Criminal mischief is a class B felony if the actor purposely causes or attempts to cause:

~~(a)~~ (1) Pecuniary loss in excess of \$1,000; or

~~(b)~~ (2) A substantial interruption or impairment of public communication, transportation, supply of water, gas or power or other public service; or

~~(c)~~ (3) Discharge of a firearm at an occupied structure, as defined in RSA 635:1, III; or

~~(d)~~ (4) Damage to private or public property, real or personal, when the actor knows that the property has historical, cultural, or sentimental value that cannot be restored by repair or replacement.

(b) *Criminal mischief is a class B felony if the actor recklessly causes or attempts to cause:*

(1) *Damage to any emergency vehicle, emergency, apparatus, or private vehicle containing emergency equipment which causes the vehicle, equipment, or apparatus to be taken out of service. In this subparagraph, "emergency vehicle" means any land, air, or water vehicle of a fire department or police department, and any similar ambulance or emergency vehicle of*

*a municipal or state department or private organization, company, or corporation contracted to perform emergency services. "Emergency equipment" means any equipment used by emergency personnel in the performance of their official duties. "Out of service" means any condition that by rule, regulation, or actual damage which renders the vehicle, equipment, or apparatus unusable or unable, in whole or in part, to perform its intended function.*

*(2) A person found guilty under subparagraph (b)(1) shall be fined not less than \$1,000 and shall be liable for full restitution to the injured party.*

*(3) Nothing in this subparagraph shall be construed to prohibit prosecution for manslaughter under RSA 630:2, negligent homicide under 630:3, or both.*

**HB 193**, establishing a committee to study state payments for court-ordered placements of special education pupils. **OUGHT TO PASS**

Rep. P. Judith Sullivan for Education: This bill establishes a committee to study the efficiency of New Hampshire's current system of state payments for the court-ordered placements of our special education pupils. The testimony given before the Education Committee was unanimously in support of this bill. Vote 16-0.

**HB 267**, relative to increasing the membership on the retirement system board of trustees. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The committee felt that the current board, as constituted, is adequate. In addition, it felt that having the party represented to also be the fiduciary presented a potential conflict of interest and was likely not in consonance with IRS policy. The board as constituted with non-retired members has a good check and balance. The minority in disagreement felt that group I being the largest number of the retirement contributors should have greater representation on the board and that the board membership should have been increased. Vote 12-1.

**HB 143**, establishing a committee to study the shortage of health care providers in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Walter D. Ruffner for Health, Human Services and Elderly Affairs: Because of the critical problem involving the shortage of healthcare personnel and support staff, the need for a committee to address this problem is self-evident. This committee will place special consideration on methods to encourage persons to enter the areas of the medical profession where a critical shortage of personnel exists. Vote 19-0.

#### **Amendment (0067h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire.

Amend the bill by replacing sections 1-4 with the following:

1 Purpose. The general court recognizes that there exists an acute shortage of health care personnel, in particular nurses and other health care workers, in New Hampshire. This bill establishes a committee to study and develop approaches to encourage persons to prepare to enter and continue serving in such professions and vocations.

2 Committee Established. There is established a committee to address the problem created by the shortage of health care personnel and other health care workers in the state of New Hampshire.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be from the house health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Up to 2 members of the senate, one of whom shall be from the senate public institutions, health and human services committee, appointed by the president of the senate.

II. The committee may solicit information from the following:

(a) The New Hampshire Nurses Association.

(b) The New Hampshire Hospital Association.

(c) The New Hampshire Medical Society.

(d) State of New Hampshire State Employees Association.

- (e) New Hampshire Association of Home Care Facilities.
- (f) Business and Industry Association of New Hampshire.
- (g) New Hampshire Health Care Association.
- (h) Granite State Home Health Care Association.
- (i) The commissioner of the department of health and human services, or designee.
- (j) The New Hampshire board of nursing.
- (k) The New Hampshire Association of Counties.
- (l) Any other person or entity the committee deems relevant to its quest.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee's study shall include, but not be limited to the following:

I. How to encourage persons to enter health care personnel professions, especially the nursing profession.

II. How to expand the educational facilities in nursing.

III. Whether to give tax credits to hospitals, nursing homes, and other appropriate facilities.

IV. Whether to award scholarships to health care personnel candidates.

V. Other methods of increasing the availability of health care personnel in New Hampshire.

VI. Whether to establish a statutory advisory committee on the shortage of health care personnel in New Hampshire and determine the nature and scope of such committee.

### AMENDED ANALYSIS

This bill establishes a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire.

**HB 233**, amending the duties of the oversight committee for the severely developmentally disabled. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill posed the question of whether the responsibilities of the oversight committee for the severely developmentally disabled should be expanded to include review of the allocation of funds to persons with acquired brain disorders. The committee heard compelling testimony concerning the increasing number of people impacted by brain injuries, the expenses of treatment for such disorders and the problems connected with medicaid funding. The committee overwhelmingly voted to include the brain injured among the oversight committee's responsibility. Vote 16-0.

**HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill, as amended, requires the Department of Health and Human Services to develop a plan to eliminate lists of those with developmental disabilities who, today, wait for extended periods of time for housing, daycare and counseling services. The bill asks the Department to reduce such wait lists to less than 90 days, over a five-year period. Vote 18-0.

### Amendment (0037h)

Amend paragraph I(a)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) A method to reduce the waitlist over a period of 5 years and to reduce the waiting period to 90 days.

**HB 433**, clarifying the duties of the oversight committee on health and human services. **OUGHT TO PASS**

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs: This bill continues the Health and Human Services and Elderly Affairs oversight committee. This bill simply clarifies the duties of the oversight committee, which oversees the various programs of the Health and Human Services Commission and makes recommendations from a legislative perspective. The committee meets at least quarterly and makes their recommendations accordingly. Vote 16-0.

**HB 119**, relative to exemptions and credits to property taxes when the property is sold. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: The current assessment practice is to value all properties in a municipality as of April 1 each year. Exemptions and credits are also



determined as of April 1 every year. If a change of ownership happens during the ensuing year and the new owner is not eligible for the exemption or credit, no added property tax is collected by the municipality based on the ownership change. This bill would require that any exemption or credit that applied to a certain parcel of land expire with a change of ownership. No mechanism for the additional collection of taxes or policy change for addressing mid-year eligibility was addressed in the bill. The committee views the April 1 assessing date as providing stability to the tax rate. Given that the entire system of property assessment is under scrutiny and may be changed, the committee found overwhelmingly that this idea should not be implemented now. Vote 13-1.

**HB 168**, relative to transfers of ownership of cemetery plots or burial spaces. **OUGHT TO PASS**  
Rep. Richard S. Eaton for Municipal and County Government: The bill expands the current law in RSA 289 to include municipal cemetery trustees in the process of determining ownership of cemetery lots or burial spaces. Whenever there is a transfer of ownership the new owner will need to comply with the local municipal regulations. This legislation is by no means a total solution to all cemetery issues brought up during the hearing. However, according to cemetery trustees testifying before the committee, this is a major improvement and will contribute to building a more effective law. Vote 11-0.

**HB 216-FN-L**, requiring a permit for ownership of a pit bull, rottweiler, or doberman. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Municipal and County Government: The purpose of this bill was to require owners of a doberman, rottweiler, or pit bull to obtain a permit to keep them in their homes as pets. The bill also required the governing body to hold a hearing and grant a permit to own these specific dogs. The committee heard testimony from approximately 50 people who were in opposition. The sponsor was the only person in favor. Committee members also received numerous calls and e-mails from the public expressing their opposition as most every person had a concern that this bill was "breed specific" and was unfair. They further stated that if their dogs are targeted, all dogs should be targeted. The message heard at the hearing was that much of the problem was due to negligence of owners' relative to dog care. This would include the need for obedience training, education, adherence to current laws on the books, and minimizing or eliminating the abusive use of these dogs, such as in programmed dog fights and drug trafficking. It was also suggested that there is a need to train dog owners, even to the extent that it might be considered as part of the school curriculum. Although the committee opted to recommend this bill be found inexpedient to legislate, partly based on possible Article 28-a unfunded mandates issues, it acknowledged that the issues raised by the sponsor should not be overlooked. Rather, these awareness issues need to be reviewed and addressed by the current Pet Overpopulation Committee. Vote 13-0.

**HB 148**, establishing a committee to study the feasibility and value of encouraging the construction and operation on state park lands of publicly or privately-owned hotels, conference centers, and other resort facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: The committee appreciates that the goal of the sponsors was to investigate the possibility of generating revenue by encouraging the Department of Resources and Economic Development (DRED) to allow private resort type operations on state park land. However, it was the overwhelming conclusion of the committee that such a policy would be contrary to the traditional intent of the state park program. The department also stated that a process is already in place to allow such operations if a suitable opportunity presents itself. Examples are special agreements with the Division of Parks for the New Hampshire Audubon Society to operate the Science Center at Odiorne State Park, also, a portion of White Island in the Isles of Shoals to Atlantic Aqua Sports of Rye, New Hampshire. Vote 18-0.

**HB 278**, naming Langmaid Brook in the town of Pembroke. **INEXPEDIENT TO LEGISLATE**  
Rep. David M. Lawton for Resources, Recreation and Development: HB 278 seeks to solidify a local initiative to name a small, previously unnamed brook in Pembroke, New Hampshire. After the U.S. Board on Geographic Names rejected an attempt to name the brook "Dykeman Creek" a local group organized and proposed the name "Langmaid Brook." This brook was to be so named to honor the memory of Josie Langmaid, a student at Pembroke Academy, who was the victim of the famous Pembroke Murder of 1875. Although the committee was in general agreement that the brook should be named for Josie Langmaid, they also found that the Pembroke Selectmen have the authority to take such action without legislative approval. Vote 16-2.



**HB 104**, relative to dial-up Internet service providers. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: The committee reviewed various Internet Service Provider concerns raised by this bill. Expansion of Internet Service Providers to all areas of the state has been realized and the focus now has shifted to quality. The committee recognizes the sponsor's intent with his proposal, however in a competitive market such as this, quality and speed will determine customer choice and their satisfaction will determine which Providers succeed. Information regarding modem ratios and speed of connection are available on various Web sites. Vote 13-0.

**HB 166**, establishing a committee to study gas and hazardous substance pipeline safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Introne, Jr. for Science, Technology and Energy: This bill establishes a committee to study gas and hazardous substance pipeline safety. This bill also requires the Gas Utility Restructuring Oversight Committee to study gas and hazardous substance pipeline safety after this study committee completes its final report. The committee determined the establishment of this study committee was both timely and appropriate given the concerns expressed regarding recent catastrophic pipeline explosions in the United States and elsewhere, and the impending gas pipeline construction in New Hampshire. Vote 14-0.

**Amendment (0075h)**

Amend the bill by replacing section 2 with the following:

**2 Membership and Compensation.****I. The members of the committee shall be as follows:**

- (a) Five members of the house of representatives, appointed by the speaker of the house.
- (b) Up to 5 members of the senate, appointed by the president of the senate.

**II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.**

Amend the bill by replacing sections 4-6 with the following:

**4 Chairperson; Quorum.** The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

**5 Report.**

**I.** The committee shall submit an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

**II.** The committee shall submit its final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

**6 New Subparagraph; Gas Utility Restructuring Oversight Committee; Duties; Pipeline Safety.** Amend RSA 374:60, IV by inserting after subparagraph (b) the following new subparagraph:

- (c) Study gas and hazardous substance pipeline safety.

**7 Effective Date.****I. Section 6 of this act shall take effect November 1, 2002.****II. The remainder of this act shall take effect upon its passage.****AMENDED ANALYSIS**

This bill creates a committee to study gas and hazardous substance pipeline safety. This bill also requires the gas utility restructuring oversight committee to study gas and hazardous substance pipeline safety after the study committee has submitted its final report.

**HB 167**, relative to the authority of the consumer advocate. **OUGHT TO PASS**

Rep. Harold V. Lynde for Science, Technology and Energy: This bill adds the authority to promote and further consumer knowledge and education to the Office of Consumer Advocate (OCA). This authority was part of the predecessor organization to the OCA and its absence was likely an oversight when the OCA legislation was created. The committee felt consumer education was an appropriate function of the OCA. Vote 12-1.

**HCR 4**, encouraging New Hampshire Public Radio to extend its broadcast signal to all of Coos county including the Connecticut River Valley area. **OUGHT TO PASS**  
Rep. Michael D. Harrington for Science, Technology and Energy: New Hampshire Public Radio has been contacted on this issue. They are working on expanding their broadcast signal to this area and support this resolution. Vote 13-0.

**HB 146**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Brenda L. Ferland for Transportation: When this bill was first presented, the committee was made aware of other RSAs pertaining to headlights. A subcommittee was assigned to review headlights RSAs and add an amendment for windshield wiper use. The subcommittee decided to take existing RSA 266:31, and in the first paragraph add "when windshield wipers are on in continuous use because of inclement weather." This bill would take effect on January 1, 2002. Vote 10-4.

#### Amendment (0066h)

Amend the bill by replacing section 1 with the following:

1 Front Lights; Lights Required During Windshield Wiper Use. Amend RSA 266:31 to read as follows:

266:31 Front Lights. Every motor vehicle driven during the period from 1/2 hour after sunset to 1/2 hour before sunrise, and whenever rain, snow, or fog shall interfere with the proper view of the road so that persons and vehicles on the way are not clearly discernible at a distance of 1000 feet ahead, *or when windshield wipers are on in continuous use because of inclement weather*, shall display at least 2 lighted lamps on the front; provided, however, that one suitable lighted lamp on the front of a motorcycle shall be sufficient. The headlamp shall throw sufficient light ahead within the traveled portion of the way to make clearly visible all vehicles, persons, or substantial objects within a distance of 200 feet, except that the headlamps of motorcycles shall be sufficient if they make clearly visible objects within a distance of 150 feet. No headlamp shall be used unless it is approved by the director and is equipped with a proper lens or other device designed to prevent glaring rays. All headlamps on every motor vehicle shall be located at a height of not more than 54 inches nor less than 24 inches from the ground on an unladen vehicle. The measurement shall be made from the ground to the center of the lens. No device which obstructs, reflects, or alters the beam of such headlamp shall be used in connection therewith unless approved by the director. Every lens or other device to prevent glaring rays, the use of which on motor vehicles has been approved by the director, shall be arranged, adjusted, and operated in accordance with the requirements of the certificate approving the use thereof. Every lamp, bulb, or light used in any headlamp shall be of such candle power as may be specified for the approved device in the certificate approving the use thereof. Every reflector which is used as a part of such headlamp shall have a reflecting surface approved by the director after satisfactory tests have been made, and every reflecting surface shall be free from dents, rust, and other imperfections. The driver of every motor vehicle shall permit any properly authorized person to inspect the headlighting equipment of such motor vehicle and to make such tests as he *or she* may deem necessary to determine whether the provisions of this section are being complied with.

#### AMENDED ANALYSIS

This bill requires that headlamps be displayed on a vehicle when windshield wipers are in continuous use because of inclement weather.

**HB 174-FN**, relative to license plates for deaf and hard-of-hearing drivers. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This was an interesting bill in the fact that some deaf drivers spoke against the bill. The committee was informed that the Department of Safety was willing to work with people to design a decal to be placed on the back window instead of on current plates. We felt that the department would handle this fairly if there was enough public interest. Vote 13-0.

**HB 287-FN-L**, relative to provision of a drivers training program before certain persons can be required to undergo drivers license reexamination. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: Part of what this bill requested is currently being done by the American Association of Retired People (AARP) and the American Automobile Association

(AAA). Also, something is being looked at in a subcommittee on graduating licenses for repeat offenders. There is no financial backing for these courses, and currently there are no other courses being taught or given. Vote 18-0.

**HB 335-FN**, relative to the uniform fine schedule for motor vehicle violations. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill was a request to add the demerit point system to the existing fine schedule. It was noted that since there are two point systems, both would have to be added. The New Hampshire Department of Safety currently has boxes full of current forms and said they would take it under consideration when it is time to reorder. They also informed us that the demerit point system is now listed on the web site. Vote 18-0.

**HB 340-FN**, requiring parental notification when a person under the age of 18 receives a penalty for a traffic law violation. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would require parental notification when a person under the age of 18 receives a penalty for a traffic violation. Testimony revealed that this bill was brought forward because a parent received incorrect information from a clerk at the New Hampshire Department of Safety (DOS) in regards to the Driver Privacy Act. License suspensions, revocations and driving violations are not protected by this act. A parent may request information from the DOS. Additionally, committee members felt that parents should be able to acquire that information from their minor children. Testimony also revealed that there were 12,000 license suspensions last year for under the age of 20 alone. That number doesn't include other violations. The cost far outweighs any benefit this bill could realize. Vote 17-2.

## REGULAR CALENDAR

**HB 122-FN-L**, relative to euthanizing repeatedly vicious dogs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill, as amended, clarifies current law RSA 466:31, which states what courts may order. It was unclear to some if euthanizing was a court option. This bill, as amended, clarifies current law by adding that a court may upon satisfaction that the vicious dog (described in current law) has committed vicious acts, order the dog euthanized. Providing such dog was "at large", running loose, not under control, and committed 2 or more such vicious attacks within a 12-month period. Disposal cost shall be borne by the owner or keeper. The behavior of the dogs presents a threat to public safety. Vote 12-3.

### Amendment (0038h)

Amend RSA 466:31, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Upon 2 or more vicious attacks upon humans or domestic animals, as provided in RSA 466:31, II(g), that result in death or injury to humans or domestic animals, the local law enforcement authority shall recommend to the district or municipal court that the dog causing such injuries or death be euthanized, and upon satisfaction by the court that the dog has committed such vicious acts, the court may then so order that the dog be taken into custody by local law enforcement and euthanized. Costs for such euthanization and disposal shall be borne by the owner or keeper.

### AMENDED ANALYSIS

This bill provides:

I. After 2 or more vicious attacks by a dog causing injury or death to domestic animals or humans, and with a recommendation by the local law enforcement authority, a court may, upon satisfaction that the dog has committed such vicious acts, order the dog euthanized. Costs for such euthanization and disposal shall be borne by the owner or keeper.

II. Any person owning or keeping a dog that commits a second or subsequent vicious attack shall be liable for a civil forfeiture of \$200, notwithstanding when the vicious attacks occurred.

III. In the case of a vicious dog presenting a threat to public safety, court proceedings may be initiated regardless of payment of the civil forfeiture.

Adopted.

Report adopted and ordered to third reading.

**HB 190**, relative to prayer in the public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: The committee had considerable discussion encompassing the entire spectrum of permissive direction to school boards relating to school prayer, pledge of



allegiance and silent reflection and considered four amendments to the bill. It became obvious that this issue generated more heat than light and since the existing legislation is permissive only, is utilized fully by very few school districts and the proposed modification was not a substantive improvement, the present law was best left undisturbed. Vote 12-5.

Adopted.

### **HB 217-FN, prohibiting the courts from charging fees. INEXPEDIENT TO LEGISLATE**

Rep. Rep. Tony F. Soltani for Judiciary: The committee recognized the value of the ideological support for this bill. The New Hampshire system of government requires the courts to be readily accessible to the public. Presently, the courts charge a flat fee to all litigants regardless of their economic position. The committee is mindful that the system needs to be changed in order to make courts more accessible. However, the complete abolition of all fees is, at this point, impractical and inexpedient. Vote 11-4.

Rep. Jacobson spoke against.

Rep. Mock spoke in favor.

Adopted.

### **HB 218-FN, relative to the motor vehicle road toll law and motor vehicle registration fees. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill makes several changes to the road toll statutes: first, it deletes the maximum amount for road toll bonds required of licensed distributors of motor fuels; permits the Commissioner of the Department of Safety to waive interest assessed for road toll violations; requires the Commissioner of Safety to establish the interest rate assessed on road toll violations; requires special fuel users to retain records necessary for purposes of administering to road toll laws and; repeals road toll provisions relating to heating oil suppliers. This bill also increases the motor vehicle registration fee by \$6.00. This would increase the highway fund by approximately \$6 million (six million dollars). Additionally, \$720,000 would be distributed to the cities and towns by statutory requirement. The New Hampshire Highway Fund badly needs this increase to maintain current services. The last registration increase was in 1989, and the cost of services has increased dramatically since that time. This bill also establishes a Motor Vehicle Safety and Inspection Fund. This would be used to fund Motor Vehicle Inspectors pursuant to RSA 266:1-a. This bill has the support of the New Hampshire Department of Transportation, New Hampshire Department of Safety, New Hampshire Department of Environmental Services, New Hampshire Motor Transport Association, American Automobile Association and the Governor's office. Vote 14-0.

#### **Amendment (0025h)**

Amend the bill by replacing section 6 with the following:

6 Motor Vehicles; Certificates of Title and Registration of Vehicles; Registration Fees; Fees to be Collected; Prorated Fees for Motor Vehicles. Amend RSA 261:141, III(g) to read as follows:

(g)(1) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs. [~~\$19.20 (\$1.60)~~] **\$25.20 (\$2.10 per month)**

3001-5000 lbs. [~~\$31.20 (\$2.60)~~] **\$37.20 (\$3.10 per month)**

5001-8000 lbs. [~~\$43.20 (\$3.60)~~] **\$49.20 (\$4.10 per month)**

8001-73,280 lbs. \$ .84 per hundred lbs. gross weight.

(2) *\$1.00 of each annual registration fee collected under this subparagraph shall be appropriated to the motor vehicle safety and inspection fund established pursuant to RSA 21-P:8-a.*

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-8 to read as 9-10, respectively:

7 New Subparagraph; General Revenue Exceptions; Motor Vehicle Safety and Inspection Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys deposited in the motor vehicle safety and inspection fund established in RSA 21-P:8-a.

8 New Section; Department of Safety; Motor Vehicle Safety and Inspection Fund. Amend RSA 21-P by inserting after section 8 the following new section:

21-P:8-a Motor Vehicle Safety and Inspection Fund. There is established in the office of the state treasurer a separate nonlapsing and continually appropriated fund to be known as the motor



vehicle safety and inspection fund from which the state treasurer shall pay expenses as determined by the commissioner of safety for the purposes of employing motor vehicle inspectors pursuant to RSA 266:1-a.

### AMENDED ANALYSIS

- I. Deletes the maximum amount for road toll bonds required of licensed distributors of motor fuel.
  - II. Permits the commissioner of safety to waive interest assessed for road toll violations.
  - III. Requires the commissioner of safety to establish the interest rate assessed on road toll violations.
  - IV. Requires special fuel users to retain records necessary for purposes of administering the road toll laws.
  - V. Repeals road toll provisions relating to heating oil suppliers.
  - VI. Increases registration fees for motor vehicles and dedicates a portion of each annual fee collected to a special fund established to pay for the employment of motor vehicle inspectors.
- This bill is a request of the department of safety.

Adopted.

Rep. Packard yielded to questions.

Rep. Karen Hutchinson requested a roll call; not sufficiently seconded.

On a division vote, 252 members having voted in the affirmative and 107 in the negative, the report was adopted.

Referred to Ways and Means.

### RESOLUTION

Reps. Scanlan and Burling offered the following: **RESOLVED**, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of hearing Governor Jeanne Shaheen deliver her budget message.

Adopted.

### RECESS

### SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing the budget message by Her Excellency, Governor Jeanne Shaheen.

### JOINT CONVENTION

#### (Speaker Chandler presiding)

Her Excellency, Governor Jeanne Shaheen, addressed the Joint Convention:

Mr. Speaker, Mr. President, Honorable Members of the House, Senate and the Governor's Council, my fellow citizens of New Hampshire:

Under state law, the Governor must present a budget to the Legislature by February 15. After months of careful work assessing the needs of our state and how to best meet those needs in a way that is fiscally responsible, I am proud to once again present you with a balanced budget.

The law requires me to present you with a budget. My commitment to the people of New Hampshire and the future of our great state compels me to present you as well with a clear picture of just what's at stake as you review and act on this budget. This budget is not just about numbers, it is about people. It is a blueprint of our values, our priorities and our vision.

Make no mistake, we face two great and equally important challenges this year: enacting a responsible two-year budget and a long-term school funding law. We must meet both these challenges. That's our obligation under the law and our duty as elected officials. The people of New Hampshire deserve responsible action.

This budget is honest, it is balanced and it is fiscally responsible. It holds the rate of general fund growth to less than the rate of inflation. It meets the challenges we face and it reflects the values and priorities of our great state and its people.

We value the safety of our citizens and our neighborhoods, so this budget provides for the highest quality in law enforcement.

We value our quality of life, so this budget helps protect the clean air, clean water and open spaces that make New Hampshire such a special place.

We value our people, so this budget protects our most vulnerable citizens and invests in providing all our citizens with the tools they need to succeed.

We value opportunity, so this budget invests in education.

We recognize that a strong economy is essential to everything else we want to do, so this budget invests where we must to keep our economy strong.

In the last decade, we've seen a revolutionary change in our economy here in New Hampshire. We have the second-highest concentration of high-tech workers in the nation. We now have more than 1,000 software companies. We have one of the fastest-growing export rates in the country.

The hard work and entrepreneurial spirit of our citizens are the prime forces behind our amazing economic success. But, as public officials, we also have a responsibility to foster economic growth. Small businesses are the backbone of our state's economy, employing most of our people. So this budget invests in the Small Business Development Centers, which provide comprehensive technical and planning assistance to small businesses. Our businesses need access to research and development to remain leaders in an innovation-based economy, so this budget invests in the Industrial Research Center at the University of New Hampshire and Dartmouth College. The customers for New Hampshire goods and services now come from across the world, so this budget continues our international marketing efforts to keep New Hampshire a leader in the global economy.

A high-quality infrastructure is essential to our state's economy and the safety of our citizens. This budget provides the state investment we need to secure \$145 million in federal transportation funding over the next two years. It increases grants to cities and towns for road repair and improvements, and allows us to pave more than 800 miles of highway as well as making our roads safer. It allows us to remove 34 municipal bridges from the red list and replace or rehabilitate an additional 15 deficient town bridges.

From our working farms and forests, to our lakes and rivers, New Hampshire's environment plays an important part in our economic growth. In the 21<sup>st</sup> century economy, where businesses can go anywhere, the industries of the future are choosing New Hampshire because this is a place their workers want to live and work.

As our state's economy and population grows, we must protect our environment. That's why this budget fully funds grants to cities and towns for wastewater treatment, public drinking water supplies, source water protection, and landfill closures. That is why this budget will help us implement Grow Smart New Hampshire, an initiative that's aimed at combating the sprawl that is destroying our open spaces and changing the character of our small towns.

We must make sure we give every child in New Hampshire a healthy start. Healthy children do better in school and we know it costs less to provide preventive health care than to treat children in emergency rooms. Children's health care is one of the best investments we can make for New Hampshire.

In the gallery are seven-year-old Ryan, 10-year-old Tyler, and 13-year-old Stephen Hurst, of Nashua. Since 1999, their self-employed parents, Robyn and Stephen, have been able to purchase affordable health insurance for their sons through our Children's Health Insurance Program. Twelve thousand New Hampshire children now have health coverage because of that initiative. I've set a goal of enrolling virtually every eligible child within the next two years, and this budget provides the state match we need to meet that goal. We can do it, and we should do it.

Just as we owe our children a healthy start, we owe our seniors a healthy and dignified retirement. That's why this budget funds Meals on Wheels, home health care and other services that help seniors stay healthy and independent and remain in their homes and communities longer.

Too many seniors struggle every day to pay for their prescription drugs. This budget includes the creation of a revolving fund to launch our SenioRx program, which, once it receives federal approval, will provide real savings on the costs of prescription drugs. Our seniors deserve no less.

We have an obligation to provide opportunities to all our citizens, including those with disabilities. Through the state-funded Community Bridges program, Todd Rossetti of Concord, who just turned 21, is receiving the assistance he needs to live his life to the fullest and to participate in work development training. Thank you for joining us today, Todd. This budget provides funding to move more people off the developmental disabilities and acquired brain disorders waiting lists. That is the right thing to do. We must continue to improve the efficiency of government, so we can provide the services and convenience our citizens demand in the 21<sup>st</sup> century. This budget makes a modest investment in the technology we need to provide more and better services on-line to our citizens.

Today, the major limit to our state's economic growth is a shortage of skilled workers. If we are to meet the demand for skilled workers, we must make sure we give all citizens the tools they need to compete in the workforce.

In the last four years, we've helped almost 10,000 people go from welfare to work. We have removed obstacles to work by providing services such as childcare, children's health insurance and job training. Through the New Hampshire Employment Program, Sherry Hastings of Nashua received childcare assistance and job training. Now she is working as a certified nursing assistant and she's able to support her three children. This budget makes the necessary investments to give more people the opportunity to enter and to stay in the workforce.

Our economy increasingly depends on brainpower, not horsepower. In this economy, success is built on ideas, innovation and information and the foundation for this new economy is education. Education is the single-most important investment we can make in our future.

That is why this budget invests in improving student performance and school accountability. It also meets our commitments to cities and towns by fully funding school building aid, transportation and tuition aid, catastrophic aid and kindergarten aid.

Fifty percent of New Hampshire's high school seniors leave the state for college and never come back. We must change that.

This budget provides modest funding for the Granite State Scholars Program created by this legislature last year. Matched by private donations, this program will provide scholarships to New Hampshire students who excel in high school and who choose to attend one of our public institutions of higher education.

This budget moderately increases funding for both the University System and the Community Technical College System. These investments help us hold the line on tuition increases and keep higher education affordable for middle-class families.

Now we must do more to meet the capital needs of the University System. We must improve its science and engineering facilities if we are to have the high tech jobs of the future. While we cannot afford the full \$185 million they have requested, I am committed to increasing our level of capital support to the University System. The two-year capital budget I have submitted is low. I have done that deliberately to allow us to help address, in separate legislation, the capital needs of the University System.

It is our responsibility to ensure that all our children, no matter where they live, get a good education. We must meet that responsibility not just because of the Supreme Court's Claremont II decision, but because it is the right thing to do for the future of our children and the future of our state.

We can't go back to a system of unequal schools and unequal opportunity. We must keep moving forward. New Hampshire is at a crossroads. This year, we can take the road that leads to progress by solving school funding for the long term and enacting a balanced budget that meets our state's responsibilities. To do any less puts us on a road to fiscal disaster, more lawsuits, higher property taxes, unequal schools and broken promises.

Cutting the services we provide to Sherry Hastings, to Todd Rossetti, or to Tyler, Ryan and Stephen Hurst is not the solution for school funding. That is not a practical solution. That is not an honest solution. And that is not a long-term solution.

Putting off school funding to another year will only make the challenge more difficult.

Last week, joined by a bipartisan group of legislators, I presented a long-term school-funding plan, Excellence in Learning for New Hampshire. EXCEL New Hampshire is the name of my plan.

EXCEL New Hampshire is a comprehensive solution that meets our commitment to our schools, makes sure all our children receive a good education and helps secure a bright economic future for our state. And, because we developed EXCEL in conjunction with the operating budget, we were able to address other issues that are of great importance to the members of this legislature.

Through my plan, we can free up part of the existing real estate transfer tax to fund important tourism promotion and the Land and Community Heritage Investment Program.

Through my plan, we can reduce the interest and dividends tax and we can completely eliminate the legacies and succession tax. (Gee, I thought getting rid of taxes was something you Republicans liked to do, too.)

I believe EXCEL New Hampshire is the best choice for New Hampshire and I will fight to make it law. I am ready to work with all of you, Democrats, Republicans and Libertarians, to enact a long-term school funding solution. Time and time again, we have achieved the best results for the people of New Hampshire when we put partisanship aside and when we work together.

This is no time for budget gimmicks or tricks. Too much is at stake. So let me be very clear: I will not consider school-funding legislation that merely puts off solving this challenge to another year. Now is the time for us to act.



This year we must pass a fiscally responsible balanced budget that meets the real needs of our state and its people; and this year we must pass a long-term school-funding law.

That is the only road to a bright and prosperous future for our state and its people.

It is a road that I hope you will choose to take with me.

Thank you.

Sen. Francoeur and Rep. Scanlan moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## RECESS

(Speaker Chandler in the Chair)

### REGULAR CALENDAR (CONT'D.)

**HB 211-FN**, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws. **OUGHT TO PASS**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill gives the Department of Safety the discretion to issue a restricted, probationary permit to an offender who has had a license suspended or revoked but has completed all criminal penalties associated with the revocation/suspension. The probationary permit applies only to the certain Administrative License Suspension (ALS) penalties, those penalties added to the criminal penalties associated with the suspension/revocation. ALS penalties result from the refusal of the driver to submit to breathalyzer tests at the time of arrest and must be served in addition to criminal penalties. The committee believes that giving this discretion to the Department will allow offenders to work and become productive members of society. Vote 14-1.

Rep. Tholl yielded to questions.

Adopted and ordered to third reading.

**HB 296-FN**, relative to receiving stolen property. **OUGHT TO PASS**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill adds two provisions to RSA 637:7, the theft statutes. It establishes the offense of "receiving stolen property" for situations where an undercover law enforcement officer or his agent sells stolen property to an individual or entity where such property has explicitly been represented as stolen. Additionally, the bill provides for penalty of a Class B felony when property or services are stolen from 3 separate business establishments within a 72 hour period. The bill provides support for law enforcement in combating organized theft rings and fencing operations that have become more and more prevalent in our state. This problem has cost millions of dollars in losses to retail establishments across the state. These issues ultimately impact all of our constituents. Vote 13-0.

Rep. John Pratt spoke against and yielded to questions.

Rep. Tholl spoke in favor and yielded to questions.

On a division vote, 218 members having voted in the affirmative and 137 in the negative, the report was adopted.

Ordered to third reading.

**HB 325-FN**, relative to certain acts of sexual assault. **OUGHT TO PASS**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill is the result of a study committee of legislation submitted last session. This bill reduces the penalty from a Class B felony to a Class B misdemeanor for underage persons having consensual sex. It provides an exception to the statutory rape laws by placing an age differential of 4 years or less between the actor and a person who is between the ages of 13 and 16, where there is no evidence of coercion, force or intimidation on the part of the actor. This age differential is mirrored in the laws of other states. Much of the wording in the bill was provided by a county prosecutor supporting this change. The philosophy in the bill also has the support of the director of the Sexual Offender Program at the Dept. of Corrections and the NH Coalition Against Sexual and Domestic Violence. Vote 15-0.

Rep. Welch moved Recommit to Committee and spoke in favor.

Adopted.

Recommitted to Criminal Justice and Public Safety.



**HB 332**, relative to compensability of work-related stress injuries under the workers' compensation act. **OUGHT TO PASS**

Rep. Gary P. Torressen for Labor, Industrial and Rehabilitative Services: This bill simply closes a loophole in the New Hampshire Workers Compensation statute relating to the definition of the word "injury" in regards to stress. Stress is a common occurrence in the workplace and should be recognized. This bill does not restrict an employee to file a stress-related claim. This bill does protect the Workers Compensation Act from fraudulent stress claims. The loophole is closed by excluding stress that results from a lawful reprimand by an employer. Vote 16-1.

Rep. Pitts spoke against.

Rep. Weed moved Re-commit to Committee and spoke in favor.

Rep. Clegg spoke against.

Rep. Weed requested a roll call; sufficiently seconded.

The question being Re-commit to Committee.

## YEAS 123 NAYS 240

### YEAS 123

#### BELKNAP

Salatiello, Thomas

Wood, Jane

#### CARROLL

None

#### CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espiefs, Peter

Lambert, Bernard

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Russell, Ronald

Weed, Charles

#### COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

#### GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Lovett, Sid

Naro, Debra

Pawlek, Marion

Sokol, Hilda

Solow, Martha

#### HILLSBOROUGH

Andosca, Mary

Balcom, John

Bellavance, Paul

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Drabinowicz, A Theresa

Duval, Jeffrey

Dwyer, Paul

Furman, Christine

Ginsburg, Ruth

Gonzalez, Carlos

Gorman, Mary

Haley, Robert

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Lasky, Bette

Lynde, Harold

Martin, Mary Ellen

McDonough-Wallace, Alice

McHugh, Claire

Melcher, Harold

Messier, Irene

Movsesian, Lori

Patria, Bonnie

Schulze, Joan

Shaw, Barbara

Souza, Kathleen

Sweeney, Cynthia

White, John

#### MERRIMACK

Bouchard, Candace

Clarke, Claire

Crosby, Toni

Daneault, Gabriel

Gile, Mary

Jacobson, Alf

Moore, Carol

Owen, Derek

Perkins, Randy

Potter, Frances

Rodd, Beth

Rush, Deanna

Wallner, Mary Jane

Whittemore, James

Yeaton, Charles

#### ROCKINGHAM

Blanchard, MaryAnn

Clark, Martha Fuller

Coes, Betsy

Downing, Michael

Johnson, Robert

McGuire, Robert

Norelli, Terie

Pantelakos, Laura

Pitts, Jacqueline

Power, Lucille

Robertson, Carl

Shultis, Elizabeth

Splaine, James

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Pelletier, Arthur
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Robb, Amy

**NAYS 240****BELKNAP**

Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Wendelboe, Fran			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Hunt, John	Manning, Joseph	Roberts, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Nordgren, Sharon	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bergin, Peter	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Gargas, Carolyn
Golding, William	Goley, Jeffrey	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Martel, Andre
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert

Salts, Greg  
Tahir, Saghir  
Vaillancourt, Steve

Sargent, Maxwell  
Tate, Joan  
White, Donald

Seibel, Christopher  
Thompson, Rob

Spieß, Paul  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Davis, Frank  
Greco, Vincent  
Kennedy, Richard  
Lockwood, Priscilla  
Soltani, Tony

Brewster, Richard  
Dunne, Christopher  
Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Swindlehurst, John

Colcord, J D  
Feuerstein, Martin  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Whalley, Michael

Cummings, Raymond  
Fraser, Leo Jr  
Hutchinson, John  
Leber, William  
Poulin, David

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Kelley, William  
Letourneau, Robert  
Mikowski, Walter  
O'Keefe, Patricia  
Quandt, Marshall  
Saia, Pamela  
Stritch, C Donald  
Weyler, Kenneth

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Kobel, Rudolph  
Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Quandt, Matthew  
Sapareto, Frank  
Trueman, Raymond  
Whittier, John

Bishop, Franklin  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Langley, Jane  
McKinney, Betsy  
Morse, Charles  
Palermo, Diane  
Rausch, James  
Sloan, Stephen  
Varell, Thomas  
Woekel, Ralph

Bowles, Raimond  
Case, Margaret  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Kelley, Jane  
Langone, John  
Micklon, Stephanie  
Nowe, Ronald  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Welch, David  
Zolla, William

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Tsiros, William

Callaghan, Frank  
Lachance, Douglas  
Twombly, James

Cossette, Larry  
McCarthy, Gerald  
Woods, Phyllis

Dunlap, Patricia  
Reid, Christopher

### SULLIVAN

Flint, Gordon Sr  
Phinizy, James

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

Odell, Bob

and the motion failed.

Report adopted and ordered to third reading.

### HB 187-FN-L, relative to the Manchester airport authority security force. INEXPEDIENT TO LEGISLATE

Rep. Ronald A. Giordano for Municipal and County Government: The Rockingham County Delegation reviews the Sheriff's budget which includes the contract for the security force at the Manchester Airport. According to RSA 24:1, the county convention consists of "the State Representatives of the representative districts of the county." RSA 23:1 allows the counties, as a body corporate, to make contracts. The proposed bill required that the Manchester Airport Authority organize a separate security force that is not comprised of the Rockingham County Sheriff's deputies to patrol the airport. The Manchester Airport Authority was not included in any discussions of the proposal and sees no reason to alter the current contract. The majority of the Rockingham County Delegation is not in favor of this change. The committee realizes that this contract between the Rockingham County Sheriff's Office and the Manchester Airport Authority is viable and under the jurisdiction of the Rockingham County Delegation and voted unanimously to report this bill Inexpedient To Legislate. Vote 13-0.

Rep. Dodge spoke against and yielded to questions.

Reps. Giordano and Welch spoke in favor.

Adopted.

Rep. Cloutier declared a conflict of interest and did not participate.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 22, 2001 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 238**, relative to interstate banking

**HB 103**, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

**HB 132-FN**, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

**HB 193**, establishing a committee to study state payments for court-ordered placements of special education pupils.

**HB 143**, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire.

**HB 233**, amending the duties of the oversight committee for the severely developmentally disabled.

**HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities.

**HB 433**, clarifying the duties of the oversight committee on health and human services

**HB 168**, relative to transfers of ownership of cemetery plots or burial spaces.

**HB 166**, establishing a committee to study gas and hazardous substance pipeline safety.

**HB 167**, relative to the authority of the consumer advocate.

**HCR 4**, encouraging New Hampshire Public Radio to extend its broadcast signal to all of Coos county including the Connecticut River Valley area.

**HB 146**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather.

**HB 122-FN-L**, relative to euthanizing repeatedly vicious dogs.

**HB 211-FN**, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws.

**HB 296-FN**, relative to receiving stolen property.

**HB 232**, relative to compensability of work-related stress injuries under the workers' compensation act.

### UNANIMOUS CONSENT

Rep. Alf Jacobson addressed the House.

Without objection, the Speaker ordered that Rep. Jacobson's remarks be printed in the Journal. Thank you, Mr. Speaker. Monday, February 19<sup>th</sup>, will mark the 56<sup>th</sup> anniversary of the Battle of Iwo Jima. That was a battle in which I did participate beginning with the fifth assault wave at 9:17 in the morning, and I remember that event as though it were this morning. It was anticipated that it would be a seventy-two to ninety-six hour operation. It turned out to be 35 days. We had the highest casualties of any given piece of territory, eight square miles, throughout the war. I was a lucky one. I lived through the 35 days and will have lived, if I survive through Monday, for 56 years. I come not because of myself, but to remember every one of my buddies who served with me for that time and gave the ultimate sacrifice. You know, it was a very different war. We fought it on top of the ground. The Japanese fought it under the ground. They had 11 miles of tunnels and it was as dangerous in regimental or division headquarters as it was on the front line. And so, those guys who came and gave their lives so that we, and me, can enjoy this freedom that I have enjoyed. I just wanted to salute them. Thank you.



**UNANIMOUS CONSENT**

Rep. Fields addressed the House.

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills only.  
Adopted.

The House recessed at 12:30 p.m.

**RECESS**

**(Rep. Patten in the Chair)**

**RESOLUTION**

Rep. Goulet offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 708 through 757, House Concurrent Resolution numbered 14 and Constitutional Amendment Concurrent Resolutions numbered 19 through 21 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, HCR, and CACRs****First, second reading and referral**

**HB 708-FN**, relative to the definition of “child” for the purposes of home education and relative to access to public school programs by home educated pupils. (Weyler, Rock 18; Rabideau, Rock 16; Education)

**HB 709-FN-A-L**, relative to the cigarette tax and prescription drugs for the elderly and continually appropriating a special fund. (Emerton, Hills 7; Alger, Graf 9; M. Fuller Clark, Rock 36; Pilliod, Belk 3; Larsen, Dist 15: Ways and Means)

**HB 710-FN**, relative to liquor licenses and fees. (Hunt, Ches 10: Commerce)

**HB 711**, relative to reporting by candidates. (Clemons, Hills 31; Buckley, Hills 44; Clegg, Hills 23; Election Law)

**HB 712-FN**, relative to the coordination of state, regional, and local planning efforts. (Melcher, Hills 11; M. Fuller Clark, Rock 36; Wall, Straf 9: Municipal and County Government)

**HB 713-FN**, addressing public health issues relative to indoor smoking. (Manning, Ches 9; M. Fuller Clark, Rock 36; Dokmo, Hills 14; Gile, Merr 16; Ford, Hills 28; Brennan, Straf 16, Wheeler, Dist 21: Commerce)

**HB 714-FN**, requiring the disclosure by a governor or councilor of certain gifts. (Splaine, Rock 34; Executive Departments and Administration)

**HB 715-FN**, relative to the New Hampshire port authority. (M. Fuller Clark, Rock 36; Norelli, Rock 31; Pantelakos, Rock 30; Splaine, Rock 34; Blanchard, Rock 33; Cohen, Dist 24; Hollingworth, Dist 23: Public Works and Highways)

**HB 716-FN**, relative to minimum wages of employees in public works. (Heon, Straf 14: Public Works and Highways)

**HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes, and establishing a temporary moratorium on new all terrain vehicle and trail bike trails. (Alger, Graf 9; Dickinson, Carr 2; Babson, Carr 5; Scanlan, Graf 11; Gilmore, Straf 11; Gordon, Dist 2: Resources, Recreation and Development)

**HB 718-FN**, establishing minimum renewable standards for energy portfolios. (Gilmore, Straf 11; Leone, Sull 2: Science, Technology and Energy)

**HB 719**, relative to the removal of public officials for cause. (Poulin, Merr 14; Zolla, Rock 13; P. Katsakiores, Rock 13; Landers, Coos 2; Millham, Belk 4: Executive Departments and Administration)

**HB 720**, relative to permitting the use of certain firearms for hunting deer. (Hopper, Hills 5: Fish and Game)

**HB 721-FN**, relative to the use of marijuana for medicinal purposes. (Vaillancourt, Hills 44; Sapareto, Rock 13; Clemons, Hills 31; Splaine, Rock 34: Health, Human Services and Elderly Affairs)

**HB 722**, relative to town elections. (Leber, Merr 1: Election Law)

**HB 723**, relative to vacancies in county offices. (Leber, Merr 1; Whalley, Merr 5; E. Smith, Ches 6; Emerton, Hills 7; Flanders, Dist 7: Municipal and County Government)

**HB 724**, relative to pooled risk management programs for public employers. (Wheeler, Hills 7; Anderson, Merr 7: Labor, Industrial and Rehabilitative Services)

**HB 725**, relative to titles to destroyed vehicles. (Pepino, Hills 40: Transportation)

**HB 726-L**, relative to change of school assignment and transfers of public school pupils. (Alger, Graf 9; Gilmore, Straf 11; Cox, Rock 24; Winter, Merr 2; Giuda, Graf 3; Roberge, Dist 9; Gordon, Dist 2; Francoeur, Dist 14; Prescott, Dist 19: Education)

**HB 727**, making certain changes concerning the authority and operation of the port authority. (Leber, Merr 1; Calawa, Hills 17; Hamel, Rock 10; Morse, Rock 28; Barnes, Dist 17; Hollingworth, Dist 23: Executive Departments and Administration)

**HB 728-FN-A-L**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. (Gilmore, Straf 11; B. Hall, Hills 20: Environment and Agriculture)

**HB 729**, permitting a person charged with a felony or misdemeanor to access the medical and psychiatric records of the alleged victim. (L. Jean, Hills 17; DiFruscia, Rock 27: Criminal Justice and Public Safety)

**HB 730**, establishing a committee to study the transfer of the Goffstown district court to a new location. (Emerton, Hills 7; Wheeler, Hills 7; McRae, Hills 7; Holden, Hills 7; D'Allesandro, Dist 20: Public Works and Highways)

**HB 731-FN**, relative to securities laws. (Gilmore, Straf 11; Fields, Hills 18; Teschner, Graf 5: Commerce)

**HB 732**, relative to the regulation of land use by the Pease development authority. (Splaine, Rock 34; Blanchard, Rock 33; C. Kane, Rock 32; Shultis, Rock 33; Pantelakos, Rock 30: Public Works and Highways)

**HB 733**, deleting references to "rebuttable presumption" from the laws of this state. (Mirski, Graf 12: Judiciary)

**HB 734**, eliminating the teen assessment project in the university system of New Hampshire. (Albert, Straf 17; Salts, Hills 41: Education)

**HB 735-L**, permitting towns and cities to deny a planning board application by a vote of the legislative body. (K. Hutchinson, Rock 29; Introne, Rock 29; Packard, Rock 29: Municipal and County Government)

**HB 736-FN**, establishing the consumer safety firearms protection act. (M. Fuller Clark, Rock 36; Konys, Hills 33; Clemons, Hills 31; Robb, Sull 11; Cohen, Dist 24; Wheeler, Dist 21: Criminal Justice and Public Safety)

**HB 737**, relative to the possession and use of epinephrine auto-injector devices by emergency medical care providers. (M. Fuller Clark, Rock 36; French, Merr 3; Emerton, Hills 7; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 738**, establishing a commission to assess the operating efficiency of state government. (Moran, Hills 15; Peterson, Hills 8: Executive Departments and Administration)

**HB 739**, establishing a committee to study the application of the rule against perpetuities. (Moran, Hills 15: Judiciary)

**HB 740**, relative to decommissioning of nuclear electric generating facilities. (J. Bradley, Carr 8; Norelli, Rock 31; D. White, Hills 25; N. Kaen, Straf 7; Maxfield, Merr 9; Below, Dist 5; Hollingworth, Dist 23; Francoeur, Dist 14; Cohen, Dist 24: Science, Technology and Energy)

**HB 741-FN-A-L**, relative to supplemental grants to certain municipalities to cap tax effort per pupil. (Sapareto, Rock 13; Odell, Sull 5; D. White, Hills 25: Finance)

**HB 742-FN-L**, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. (Sapareto, Rock 13; J. Bradley, Carr 8; Weyler, Rock 18; Hess, Merr 11; Johnson, Dist 3: Ways and Means)

**HB 743**, transfers the department of youth development services to the department of health and human services. (Lyman, Carr 5; Pantelakos, Rock 30; Wallner, Merr 24; McCarley, Dist 6; Wheeler, Dist 21: Children and Family Law)

- HB 744-FN-A**, establishing a family and disability leave program. (Gile, Merr 16; Seldin, Merr 17; M. Fuller Clark, Rock 36; Wheeler, Dist 21: Labor, Industrial and Rehabilitative Services)
- HB 745-FN**, revising Article 9 of the Uniform Commercial Code and related statutes. (Hunt, Ches 10; Gordon, Dist 2: Commerce)
- HB 746**, authorizing citizen suits to assure enforcement of New Hampshire's environmental statutes. (Leishman, Hills 13; DiFruscia, Rock 27; M. Fuller Clark, Rock 36; Messier, Hills 46; Cohen, Dist 24: Judiciary)
- HB 747-FN-L**, relative to increases in the cost of an adequate education. (Hess, Merr 11: Education)
- HB 748-FN-A-L**, relative to school building aid grants in the determination of adequate education grants. (Hess, Merr 11: Education)
- HB 749-FN-A-L**, relative to the transportation cost component in the determination of adequate education grants. (Hess, Merr 11: Finance)
- HB 750-L**, relative to the development and adoption of the school administrative unit budget. (Kurk, Hills 5; Alger, Graf 9; Clegg, Hills 23: Education)
- HB 751**, authorizing an advisory committee and establishing a conflict of interest policy regarding grant awards from the health care fund. (Gorman, Hills 29; Clemons, Hills 31; D. Cote, Hills 29: Health, Human Services and Elderly Affairs)
- HB 752**, relative to certain revisions of the right-to-know law. (Souza, Hills 40; Chalbeck, Rock 8: Judiciary)
- HB 753**, relative to exemptions from issuer dealer licenses for the sale of securities. (Hess, Merr 11: Commerce)
- HB 754**, relative to the testing and certification of fluorine-bearing chemicals injected into the public water supply. (Richardson, Ches 12; Seldin, Merr 17; Espieffs, Ches 19; M. Fuller Clark, Rock 36; French, Merr 3; O'Hearn, Dist 12, Prescott, Dist 19; Francoeur, Dist 14: Resources, Recreation and Development)
- HB 755**, relative to groundwater contamination and gasoline sampling. (Martin, Hills 34; R. Cooney, Rock 26; Downing, Rock 26; McGuire, Rock 26; Goulet, Hills 15; D. White, Hills 25, Graham, Hills 15, Lynde, Hills 24, Flora, Hills 15, Balboni, Hills 27, Seibel, Hills 24, Kennedy, Merr 7, K. Hutchinson, Rock 29, Langley, Rock 24, Wheeler, Dist 21; Cohen, Dist 24: Science, Technology and Energy)
- HB 756**, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone. (K. Hutchinson, Rock 29: Criminal Justice and Public Safety)
- HB 757**, revising the definition of an adequate education; establishing an education improvement fund, and implementing a professional development program and an early literacy initiative within the department of education; and revising the formula to calculate the cost of an adequate education. (Kurk, Hills 5; Estabrook, Straf 8; McCarley, Dist 6; O'Hearn, Dist 12; Larsen, Dist 15: Education)
- HCR 14**, declaring the New Hampshire supreme court's Claremont decisions to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution. (Pepino, Hills 40; Mirski, Graf 12; L. Christiansen, Hills 23; Boyce, Belk 5; Salts, Hills 41; Boyce, Dist 4; Roberge, Dist 9: Ways and Means)
- CACR 19**, relating to supreme court rules. Providing that supreme court rules may be reviewed by the general court. (Jacobson, Merr 2: Judiciary)
- CACR 20**, relating to a personal income tax. Providing that any personal income tax enacted by the general court shall be dedicated exclusively for the purposes of public education. (Hager, Merr 18; Pilliod, Belk 3; McGuirk, Ches 1; P. Davis, Coos 1; Messier, Hills 46; Below, Dist 5; Fernald; Dist 11; Cohen, Dist 24: Finance)
- CACR 21**, relating to compensation for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business. (Arnold, Hills 20: Legislative Administration)

## RECESS

### (Rep. Patten in the Chair)

## RESOLUTION

Rep. Goulet offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1 and 2 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.



**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003. (Kurk, Hills 5: Finance)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 5: Finance)

**RECESS****(Rep. Whalley in the Chair)****RESOLUTION**

Rep. Clegg offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 758 through 762 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 758**, relative to the sale of gasoline containing ethers. (Kurk, Hills 5; Downing, Rock 26; Martin, Hills 34; R. Cooney, Rock 26; McGuire, Rock 26; D. White, Hills 25, Graham, Hills 15, Flora, Hills 15, Goulet, Hills 15, Langley, Rock 24, Pepino, Hills 40, Balboni, Hills 27, Seibel, Hills 24, Kennedy, Merr 7, K. Hutchinson, Rock 29, Prescott, Dist 19; Hollingworth, Dist 23; Wheeler, Dist 21; Klemm, Dist 22; Flanders, Dist 7, Pignatelli, Dist 13: (Science, Technology and Energy)

**HB 759-FN-A-L**, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education. (Hager, Merr 18; McGuirk, Ches 1; Messier, Hills 46; Pilliod, Belk 3; P. Davis, Coos 1; Manning, Ches 9, Feuerstein, Merr 13, Cohen, Dist 24; Below, Dist 5; Fernald, Dist 11: Ways and Means)

**HB 760-FN**, relative to the possession of silencing devices and relative to the use of silencing devices for taking game. (Patten, Carr 9; Dickinson, Carr 2; Rozek, Coos 7: Fish and Game)

**HB 761-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. (Jacobson, Merr 2: Ways and Means)

**HB 762-FN-A**, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund. (M. Fuller Clark, Rock 36; Buckley, Hills 44; Wheeler, Dist 21: Ways and Means)

**RECESS****(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 7

Thursday, February 22, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Ever gracious Creator, our days are precious in Your sight. Receive Bernard and all our loved ones into larger life and comfort all who mourn for them.

May the work of this honorable House be blessed by Your spirit today, and may all that is done here advance the cause of freedom, peace and safety for the citizens of our beloved New Hampshire. Amen.

The House observed a moment of silence in remembrance of Rep. Bernard Lambert.

Rep. Mercer led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Carlson, Clemons, Emerton, Flora, Sandra Harris, William Kelley, Lessard, Robert L'Heureux, Mikowski, Naro, Ruffner and Tate, the day, illness.

Reps. Bartlett, Case, Corbin, David Cote, Stephanie Eaton, Fletcher, Marilyn Fraser, Introne, LaFlamme, Melcher, Mirski, O'Keefe, Perkins, Reeves, Scovner, Marjorie Smith, Stone, Thulander and Torressen, the day, important business.

Rep. Chalbeck, the day, death in the family.

Rep. Priestley, the day, illness in the family.

### INTRODUCTION OF GUESTS

Morgan Smith Guinta, wife of Rep. Guinta. Katherine Nicole McCrum, granddaughter of Rep. Proulx. Albert Ventee, brother of Rep. Power. Kim Winslow, Justin Norcross, Lieutenant Colonel Michael Moffett, US Marine Corps Reserve, Chief Master Sergeant William Houghton, US Air Force, Chief Mark Cutter, US Coast Guard, Petty Officer Louis Coleman, US Coast Guard, Petty Officer John Murphy, US Naval Reserve and Captain Craig Blackwell, US Army, guests of Rep. Kenney.

### INTRODUCTION OF SPECIAL GUEST

New Hampshire Teacher of the Year 2001, Suzanne Lull, 1<sup>st</sup> and 2<sup>nd</sup> grade teacher from Washington Elementary School, guest of the House.

The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 8

Recognizing and marking the ten year anniversary of the February 28, 1991 Persian Gulf War cease fire  
WHEREAS, approximately three thousand New Hampshire men and women were among the over one-half million Americans who served in the Southwest Theater of Operations during Operations Desert Shield and Desert Storm; and

WHEREAS, under U.S. Allied Commander Norman Schwarzkopf these men and women participated and fought with Allied Forces to liberate the sovereign country of Kuwait; and

WHEREAS, members of New Hampshire reserve units, including the Army 744<sup>th</sup> Transportation Company, 1159<sup>th</sup> Medical Company, 94<sup>th</sup> Military Police Company, elements of the Air Force 157<sup>th</sup> Refueling Wing, 157<sup>th</sup> Security Forces Squadron, 157<sup>th</sup> Medical Squadron, the Navy Mobile Inshore Undersea Warfare Unit 202, Ashore Mobile Communications Contingency Unit 4, Fleet Hospital 7, Naval Dental and Medical Service 101, Military Sealift Command, Mediterranean, and Company B, 1<sup>st</sup> Battalion, 25<sup>th</sup> Marine Regiment and individual New Hampshire reserve volunteers participated in and outside of the Southwest Theater of Operations with inspired duty and honorable service; and

WHEREAS, we wish to honor those American men and women who gave their lives during hostile and non-hostile activities as the ultimate price of freedom during Operations Desert Shield

and Desert Storm, including New Hampshire's Army Warrant Officer David G. Plasch, Army Private Second Class Todd C. Ritch, Army Specialist Wade E. Hector, Marine Captain Gary S. Dillon and Air Force Captain Michael L. Chinburg; and

WHEREAS, the State of New Hampshire has recognized the Persian Gulf veterans by enacting the Persian Gulf Veterans Service Bonus and by dedicating a state bridge in Concord in their honor; now, therefore, be it

RESOLVED, by the House of Representatives, in regular session convened, that heartfelt thanks be given to Persian Gulf veterans and their families in commemoration of the tenth anniversary of the Persian Gulf War Cease Fire.

Unanimously adopted by a rising vote.

Rep. Kenney addressed the House.

Rep. Weyler moved that the remarks of Rep. Kenney be printed in the Journal.

Adopted.

### REMARKS

Rep. Kenney: Thank you, Mr. Speaker, members of the House, military and honored guests. Next week will mark the tenth year cessation of the Persian Gulf War. In the gallery today, we are honored to have members of each branch of the services: the Army, the Navy, the Marine Corps, the Air Force and members of the United States Coast Guard, many who served during the Persian Gulf War. This resolution before us today allows us to reflect on the service of our Persian Gulf veterans and their commitment to liberate the sovereign country of Kuwait. This decisive victory could not have been achieved without great leadership, proper training, necessary equipment and home front support for our service men and women. This support came in all forms from gift packages, yellow ribbons, prayers and, of course, letters.

In the gallery today, I would like to recognize two of these letter writers who wrote to me ten years ago while I was a Marine Lieutenant in Saudi Arabia. They are Kim Winslow, a junior at the University of New Hampshire and a former third grader at the Central School in Moultonborough and, also, Justin Norcross, a junior at the Laconia Community Technical College and a former third grader at the Brett School in Tamworth. I thank you for your help in time of need. Thank you, guys. Finally, it has often been said that our men and women in uniform are our national treasures. With your support and confidence they will always shine when called to duty. God bless the State of New Hampshire. Thank you.

### RESOLUTION

Late filing and introduction having been approved by the Rules Committee, Reps. Scanlan and Burling offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, **HB 763-L**, relative to obligations of county governments, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First and second reading

**HB 763-L**, relative to obligations of county governments. (Chandler, Carr 1; Burling, Sull 1)

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit consideration at the present time of **HB 763-L**, relative to obligations of county governments, without the required referral to committee, proper hearing and notice.

Adopted by the necessary two-thirds.

### CONSIDERATION OF HB 763

**HB 763-L**, relative to obligations of county governments.

Rep. Whalley moved Ought to Pass and spoke in favor.

Rep. Burling spoke in favor.

Adopted.

## SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **HB 763-L**, relative to obligations of county governments. Adopted by the necessary two-thirds.

## MOTION ON HOUSE BILL 763

Rep. Scanlan moved that **HB 763-L**, relative to obligations of county governments, be read a third time and passed. Adopted.

## Third reading and final passage

**HB 763-L**, relative to obligations of county governments.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 303-FN-A-L**, relative to funding of training and certification of fire fighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees, removed by Rep. McRae.

**HB 326-FN-A**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor, removed by Rep. Sullivan.

**HB 173-FN**, relative to the place and time of detention, removed by Rep. Sullivan.

**HB 214-FN**, requiring transcription of grand jury proceedings, removed by Rep. Sullivan.

**HB 320-FN**, relative to leasing certain portions of railroad properties, removed by Rep. Sullivan.

**HB 434**, relative to persons who die in nursing homes, removed by Rep. Brennan.

Consent Calendar adopted.

**HB 120**, making the commissioner of the department of youth development services a member of the department of youth development advisory board. **OUGHT TO PASS WITH AMENDMENT** Rep. Daniel C. Itse for Children and Family Law: This bill makes three changes to the Department of Youth Development Services Advisory Board, as follows: 1. It requires that the Commissioner of the Department of Youth Development Services and not a designee serve on the board. 2. It broadens the committee membership by adding an additional state representative. 3. It broadens the committee membership by adding a juvenile probation and parole officer. Vote 19-0.

### Amendment (0030h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the membership of the department of youth development advisory board.

Amend the bill by replacing all after section 1 with the following:

2 Department of Youth Development Services Advisory Board; Membership. Amend RSA 621-A:9, II(a) to read as follows:

(a) ~~Two~~ **Three** members from the house of representatives, one of whom shall be a member of the house finance committee, appointed by the speaker of the house.

3 New Subparagraph; Department of Youth Development Services Advisory Board Established; Membership; Juvenile Probation and Parole Officer Added. Amend RSA 621-A:9, II by inserting after subparagraph h the following new subparagraph:

(i) One juvenile probation and parole officer, appointed by the commissioner of the department of health and human services.

4 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires the commissioner of the department of youth development services to be a member of the department of youth development services advisory board. The bill also expands the membership of the advisory board to include three members of the house of representatives and a juvenile probation and parole officer.

**HB 265**, prohibiting the sale of rolling papers to minors. **OUGHT TO PASS**

Rep. Kathleen N. Taylor for Commerce: This bill was introduced at the request of a group of Dover students. They feel that there is no reason for anyone under the age of 18 to use rolling papers and that it should be illegal for under-18 year olds to purchase them. The committee agrees with them. This is already the law in Dover. Vote 13-0.

**HB 307-FN-A**, increasing the tax on beer and wine. **INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Commerce: The Sponsor admitted that increasing the tax by one cent would not generate a lot of money, but because the beer tax is based on "gallonage" and not price, it does not increase with inflation. The sponsor felt it was time to increase the tax to reflect inflation. New Hampshire already has the second highest tax per gallon on wine and beer in New England, and testimony presented stressed that even a one-cent increase would make a difference to purchasers. Vote 13-0.

**HB 372**, requiring prepaid home heating oil delivery companies to be bonded. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: It has become fairly common that fuel customers pre-pay for their fuel for the following year. This method of obtaining a firm price has worked well both for the purchaser and the vender. Unfortunately, one new fuel dealer came into the business and commenced obtaining pre-paid contracts at a price even lower than wholesale. The dealers sought assistance from the Attorney General. Rightfully, the AG's office said that until someone was harmed, they couldn't do anything. When this dealer defaulted, the Attorney General did step in. The testimony by all of the fuel dealers (especially the smaller mom and pop vendors) showed that the cost of purchasing a bond would, in all likelihood, put them out of business. The committee was unanimous in recommending that this legislation was not appropriate, and should be reported as Inexpedient to Legislate. Vote 13-0.

**HB 237**, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system. **OUGHT TO PASS**

Rep. Claire D. Clarke for Education: This bill retains existing law, which says that the appointment of successors for the filling of vacancies for unexpired terms shall be by appointment or election in the same manner as the original appointment. An exception is created so that a vacancy in an alumni trustee position shall be filled in accordance with the bylaws of the alumni association at the institution with which the position is associated. The committee overwhelmingly voted to accept this bill as recommended. Vote 15-0.

**HB 124**, establishing a committee to study on-line voting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond Buckley for Election Law: The committee supports a study of on-line voting. It amended the bill to include studying electronic voting as well. We feel this committee will provide valuable information as we address the changing modes of voting. Vote 19-1.

**Amendment (0114h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study on-line and electronic voting.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study on-line and electronic voting.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the feasibility of on-line and electronic voting as a supplement to or substitute for existing voting procedures. The committee's study shall include the likely effect of on-line and electronic voting on voter turnout.

**AMENDED ANALYSIS**

This bill establishes a committee to study on-line voting.

**HB 245**, relative to the duties and staff of the state geologist. **OUGHT TO PASS**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill gives real meaning to "New Hampshire is the Granite State". The activities of geological survey are collected under the director of the New Hampshire geological survey, and under this bill geologic functions will be



centralized under the supervision of the state geologist. Resources are drawn from existing functions within the agency. Data collection and research are performed and disseminated through maps, reports, and other publications. Vote 16-0.

**HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill authorizes the state treasurer to borrow upon the credit of the state not exceeding the sum of \$5,250,000, and issue bonds and notes in the name of and on behalf of the State of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the new bonds and notes shall be made from the general fund of the state. The proceeds of this bond issue shall be paid to the New Hampshire retirement system to satisfy a note incurred in the 1992-94 biennium and which is costing the state 9% per annum with a 40-year amortization. The bond issue, if authorized by this bill, will have an interest rate of approximately 4.5%. This bill is similar to refinancing a home mortgage to a lower interest rate. Vote 17-0. Referred to Finance.

**HB 371**, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Dodge for Executive Departments and Administration: This bill will reduce the workload of the legislative budget office. It allows state agencies to forgo the currently required step of receiving an amended fiscal statement on an amendment to a rule change request, even in the case where the amendment is purely clerical or carries no fiscal impact. Administrative rules are constantly being proposed and if changes do not affect the fiscal statement, this bill will allow savings in time and effective date of the proposed administrative rules. Vote 17-0.

#### **Amendment (0145h)**

Amend the bill by replacing section 2 with the following:

2 Amended Fiscal Impact Statements. Amend RSA 541-A:12, II(d) to read as follows:

(d) *If required pursuant to RSA 541-A:5, VI*, an amended fiscal impact statement from the legislative budget assistant stating [either] that [~~the rule did not change~~] as a result of notice and hearing [~~or, if it~~] *the rule* did change[;] *and* explaining how this change affects the original fiscal impact statement.

**HB 236**, relative to the registration of deer. **OUGHT TO PASS**

Rep. Robert J. L'Heureux for Fish and Game: This change in the present law would bring us into uniformity with our neighboring states. This change would accommodate the successful deer hunter who gets his deer late in the day, but cannot register it because of the early closing of some registration stations. This bill has the support of the New Hampshire Fish and Game Department. Vote 17-0.

**HB 227**, clarifying certain definitions relating to emergency medical and trauma services. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: After conferring with the subcommittee and the principals involved, the sponsor feels the best course at this time is to report this bill Inexpedient To Legislate. The committee concurs. Vote 11-0.

**HB 389**, establishing a committee to study the nursing home industry in New Hampshire. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee felt that scrutiny into the number of critical issues existing now is needed. There is a shortage of health care personnel in New Hampshire. More than one-third of nursing homes are operating under bankruptcy protection. As the elderly population increases in size, state policy should ensure that nursing home facilities are available and providing quality care. Vote 11-0.

**HB 157**, clarifying the immunity from liability of police officers, firefighters, and bystanders who apply lifesaving measures in emergencies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher P. Reid for Judiciary: This bill as amended is a technical clarification of RSA 153-A:11. In passing RSA 153-A:11 last year, the legislature did not intend to in any way limit the protection afforded by RSA 508:12, the Good Samaritan Law. This bill simply clarifies the law. Vote 17-0.

**Amendment (0137h)**

Amend the title of the bill by replacing it with the following:

AN ACT clarifying the immunity from liability of persons providing emergency care.

Amend the bill by replacing section 1 with the following:

1 Liability Limitation; Emergency Care. Amend RSA 153-A:11, I to read as follows:

I. Except for automatic external defibrillation pursuant to RSA 153-A:28-31 *or emergency care as described in RSA 508:12*, a person shall not provide emergency medical services as a paid or volunteer member of a public or private emergency medical services unit in this state, or as a paid or volunteer member of any police or fire department who, as a condition of employment, may be expected to routinely provide emergency medical services in the line of duty, without being licensed by the commissioner.

**AMENDED ANALYSIS**

This bill clarifies the immunity from liability of persons who provide emergency care at scenes of emergency or to victims of crime.

**HB 203**, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: In the last session, the legislature enacted a law granting immunity to certain medical and psychiatric professionals working under contract with the Department of Corrections. This bill extends that coverage to psychiatric/mental health nurse practitioners working under contract with the Department of Corrections. Vote 15-0.

**Amendment (0076h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Claims Arising From Clinical Services Provided to Department of Corrections. Amend RSA 541-B:21-a, I to read as follows:

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity, providing clinical services of psychiatrists [or], other medical doctors, *or psychiatric/mental health nurse practitioners* in accordance with any contract limited to such services entered into by the department of corrections.

**HB 215**, relative to publication of status of cases before the supreme court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This bill requires the Supreme Court to report records of appeals to the court. The legislature found during the impeachment hearings that documentation of appeals filed were not available. This bill requires the court to provide annual records for review by the legislature and public on a quarterly basis. Vote 19-0.

**Amendment (0163h)**

Amend RSA 490:8-a as inserted by section 1 of the bill by replacing it with the following:

490:8-a Publication of the Status of Cases.

1. Beginning with notices of appeal filed on January 1, 2002, the supreme court shall make available to the public a record of cases pending before the court. The record shall be by calendar year, with the current year recording all cases filed with the court in that year. The record for prior years shall only document cases pending. Cases pending shall be those cases in which a decision has not been made as to accepting the notice of appeal or the accepted appeal has not been decided. The record shall be updated and printed quarterly and shall be available not later than 15 days after the end of each quarter. This report shall be by date of each notice of appeal for each appeal shall list the following data:

(a) Name and number.

(b) Date of acceptance or rejection of the notice of appeal and if the appeal was accepted or rejected.

(c) Date of oral argument.

(d) Date of decision.

II. At the end of each calendar year, all cases for which the notice of appeal was rejected and all cases decided shall be removed from the list.

**HB 382**, relative to the office of the governor and the right-to-know law. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: Although this bill was well intended, its wording was inadequate to accomplish the intentions of the sponsor. The committee believes strongly that there may be areas in the Governor's Office that should fall under the right-to-know law. However, the entire subject matter is of such magnitude that other priorities should take precedence at this time. Vote 14-0.

**HB 194**, relative to municipal budget hearings, recommendations, and reports. **OUGHT TO PASS**

Rep. Kimberly O.M. Dionne for Municipal and County Government: This bill reflects a request from the Department of Revenue Administration to make technical corrections relative to certain laws administered by the department. It changes the final date for posting notice of bond hearings in municipalities operating under the official ballot referendum form of meeting (in March, April, and May). The bill also clears up reporting procedures for those municipalities that are not under the Municipal Budget Act. The committee determined that these changes would make an improvement upon the present law. Vote 15-0.

**HB 263**, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence J. Guay for Public Works and Highways: Ken MacDonald served in both the House and Senate for almost two decades after retiring from the New Hampshire State Police. Ken also served on the Wolfeboro Board of Selectmen and the Carroll County Delegation. Ken was extremely well read and respected by all who knew him for his dedication, honesty, common sense and humor. Naming a sidewalk on Route 28 in Wolfeboro for Ken is a fitting tribute to his memory. Ken's efforts were instrumental in creating this sidewalk. Vote 16-0.

**Amendment (0142h)**

Amend the bill by replacing all after section 1 with the following:

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers resulting from this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers resulting from this act shall be approved by the department of transportation.

3 Effective Date. This act shall take effect January 1, 2002.

**HB 417**, requiring bidders for state contracts to have completed a training program of the Occupational Safety and Health Administration. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Rausch for Public Works and Highways: The committee recommends this bill Inexpedient to Legislate. This bill would require bidders for state contracts whose estimated cost is more than \$50,000.00, to have completed a ten hour construction safety program from the Occupational Safety and Health Administration (OSHA). The committee overwhelmingly considered this legislation unnecessary, as requirements for training programs already exist in state law and OSHA regulations. Additionally, many other concerns were raised. Vote 17-0.

**HB 177-FN-A**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. **OUGHT TO PASS**

Rep. Matthew J. Quandt for State-Federal Relations and Veterans Affairs: The committee feels that providing a wheelchair van for the Veterans' Home in Tilton is a paramount need for the residents so that they can get around to doctors appointments and for recreational trips. The sponsor had looked into trying to get a van donated but that effort was not successful. The committee feels strongly that this is an important need for those who made many sacrifices for their state and country. Vote 12-1.

Referred to Finance.

**HR 5**, directing the New Hampshire attorney general to report to the house of representatives on the feasibility of filing a class action lawsuit against the federal government to recover special education funding promised by the federal government under the Individuals with Disabilities Education Act. **INEXPEDIENT TO LEGISLATE**



Rep. Frank C. Guinta for State-Federal Relations and Veterans Affairs: The committee recognizes the importance of the federal government's funding of special education. However, it strongly supports other legislation, HCR 13 which proposes that the House, Senate, and the Office of the Governor that urges the federal government to adequately fund the program for the State of New Hampshire. Because of HCR13, we report this bill as inexpedient to legislate. Vote 10-2.

**HB 366**, relative to antique former military vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill as written would allow antique military vehicles to operate on a public way without displaying New Hampshire registration plates. The committee felt that the general public would not recognize the difference between current military vehicles and antique military vehicles. A second consideration is law enforcement being able to identify these vehicles. Testimony revealed that a major concern for the owners of these vehicles was that during parades and demonstrations these vehicles be as authentic as possible. The Commissioner of Safety is willing to accommodate these concerns through rule-making. This would alleviate the need for legislation. Vote 11-0.

**HCR 8**, encouraging more direct flights and international flights from the Manchester airport. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The committee hears a bill or resolution concerning the Manchester airport on a regular basis. The legislative body has no authority over the airport. The committee finds that the current airport director has been doing a good job concerning what flights are appropriate for the Manchester airport. The airport also runs under Federal Aviation Authority (FAA) rules and regulations. Vote 11-0.

## **REGULAR CALENDAR**

**HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill establishes a commission to study the issue of resources available and the need for second and third shift child care services. It is the Committee's hope that creative and innovative solutions will be discovered. Vote 15-4.

### **Amendment (0089h)**

Amend the bill by replacing section 2 with the following:

**2 Membership and Compensation.**

**I. The members of the commission shall be as follows:**

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) A current provider of child care services, appointed by the governor.
- (d) A representative of an industry operating on a multi-shift basis, appointed by the governor.
- (e) A representative of an industry that has experience with in-house children's services, appointed by the governor.
- (f) The commissioner of health and human services, or designee with professional responsibilities associated with child care.
- (g) Two parents who work hours other than first shift, one from an urban area and one from a rural area, appointed by the governor.

**II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.**

Adopted.

Report adopted and ordered to third reading.

**HB 272**, requiring bottled water labels to indicate the source of the water. **INEXPEDIENT TO LEGISLATE**

Rep. Paul D. Spiess for Commerce: This bill would require that water, which is bottled, packaged or sold in the state, include information on the label identifying the specific location from which the water was obtained, and the name and address of the purveyor. The committee did not feel that the inclusion of this information provided any direct benefit to the consumer or served a useful public purpose. The committee learned that bottled water can come directly from municipal water systems,



as long as it meets clean water standards. Under federal law any water labeled "spring water" must identify the source. However, the courts found there is no compelling health reason to require bottled water companies to label the sources as long as they meet clean water standards. The committee does urge members who desire more information on the sources of bottled water to read the August 2000 issue of Consumer Reports. Vote 10-3.

Rep. Pitts spoke against.

Rep. Avery spoke in favor.

Adopted.

**HB 425-FN**, establishing a practical living skills course for certain high school pupils. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce L. Dearborn for Education: The committee is very sensitive to the issue of high school dropouts and is sympathetic to the sponsors' concerns. This bill is an effort to provide a certificate program for job survival skills. The committee felt the technical high schools, the technical colleges and the state Department of Education have many developmental programs which are better suited to address students' needs. Consequently, the committee voted to report the bill inexpedient to legislate. Vote 15-0.

Adopted.

**HB 159**, relative to removal of political advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: The intent of the sponsor was to address situations where signs in front of residences were removed from highway rights of way. While the committee was sympathetic with the view that public land in front of private land could present a conflict, testimony from the Department of Transportation and others suggested that more difficulties would arise than problems would be solved. Vote 15-4.

Adopted.

**HB 273**, relative to the purpose of state jurisdiction of fish and game regulation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael A. Balboni for Fish and Game: The original bill, as introduced, expands the purpose of the fish and game department to recognize, preserve, and promote our special heritage of recreational hunting, fishing, trapping, and wildlife viewing by providing opportunities to hunt, fish, trap, and view wildlife in accordance with Title XVIII of the Fish and Game laws. The amendment simply removes the word "recreational" from the bill. This bill has the support of the New Hampshire Fish and Game Department, the New Hampshire Wildlife Federation, and the New Hampshire Fish and Game Commission. Vote 16-1.

**Amendment (0086h)**

Amend RSA 207:58 as inserted by section 1 of the bill by replacing it with the following:

207:58 Purpose. The legislature finds it is in the best interests of the state and its citizens to regulate, protect, restore, and conserve the wildlife resources of the state under a uniform scheme of management through the fish and game department. It is the intent of the general court to explicitly reaffirm the state's long-standing exclusive authority and jurisdiction over the wildlife of the state as established by title XVIII. *The general court further finds that it is in the best interest of the state and its citizens that the fish and game department recognize, preserve, and promote our special heritage of hunting, fishing, trapping, and wildlife viewing by providing opportunities to hunt, fish, trap, and view wildlife in accordance with title XVIII.*

Adopted.

Report adopted and ordered to third reading.

**HB 133**, relative to an informed jury. **WITHOUT RECOMMENDATION**

Rep. Giuda moved Ought to Pass, spoke in favor and yielded to questions.

Reps. Millham and Rowe spoke against.

Rep. Craig spoke against and yielded to questions.

Reps. Phinizy and Loren Jean spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being on the motion of Ought to Pass.

**YEAS 129 NAYS 226****YEAS 129****BELKNAP**

Boyce, Laurie

Lawton, David

Thomas, John

**CARROLL**Babson, David Jr  
Patten, BetseyBradley, Jeb  
Sullivan, P Judith

Kenney, Joseph

Mock, Henry

**CHESHIRE**Dexter, Judson  
Weed, Charles

Emerson, Susan

Fairbanks, Chandler

Hunt, John

**COOS**

Gallus, John

Rozek, Michael

Woodward, David

**GRAFTON**Akins, Ralph  
Dudley, Terri  
Scanlan, DavidAlger, John  
Gilman, G Michael  
Sova, CharlesBarker, Robert  
Giuda, Robert  
Ward, BrienCobb, John  
Marshall, Gene  
Williams, Burton**HILLSBOROUGH**Alukonis, David  
Bouchard, David  
Clegg, Robert Jr  
Elliott, Larry  
Guinta, Frank  
Jean, Loren  
Martin, Mary Ellen  
Milligan, Robert  
Sargent, Maxwell  
Thompson, RobBalboni, Michael  
Bruno, Pierre  
Coughlin, Pamela  
Gonzalez, Carlos  
Herman, Keith  
Lefebvre, Roland  
McHugh, Claire  
Moran, Edward  
Seibel, Christopher  
Vaillancourt, SteveBatula, Peter  
Calawa, Leon Jr  
Desrosiers, William  
Gorman, Mary  
Holden, Randolph  
Leishman, Peter  
McRae, Karen  
Pepino, Leo  
Souza, Kathleen  
White, DonaldBergeron, Jean-Guy  
Christiansen, Lars  
Dionne, Kimberley  
Greenberg, Gary  
Hopper, Gary  
Lynde, Harold  
Mercer, Robert  
Salts, Greg  
Tahir, Saghir**MERRIMACK**Kennedy, Richard  
Winter, Steven

Leber, William

Poulin, David

Soltani, Tony

**ROCKINGHAM**Arndt, Janet  
Camm, Kevin  
Dodge, Robert  
Giordano, Ronald  
Hutchinson, Karen  
Katsakiores, Phyllis  
McKinney, Betsy  
Power, Lucille  
Reardon, Neil  
Varrell, ThomasBelanger, Ronald  
Clark, Vivian  
Dowling, Patricia  
Griffin, Mary  
Itse, Daniel  
Kelley, Jane  
Moore, Benjamin  
Putnam, Ed II  
Saia, Pamela  
Welch, DavidBishop, Franklin  
Dalrymple, Janeen  
Fesh, Bob  
Hamel, Albert  
Johnson, Rogers  
Letourneau, Robert  
Nowe, Ronald  
Quandt, Marshall  
Sapareto, Frank  
Weyler, KennethBridle, Russell  
DiFruscia, Anthony  
Gilbert, Jeffrey  
Hill, Jonathan  
Katsakiores, George  
Major, Norman  
Pitts, Jacqueline  
Quandt, Matthew  
Stritch, C Donald  
Zolla, William**STRAFFORD**Albert, Russell  
Goodwin, Earle  
Proulx, RaymondBickford, David  
Harrington, Michael  
Tsiros, WilliamCossette, Larry  
Lachance, Douglas  
Twombly, JamesGilmore, Gary  
McCarthy, Gerald  
Woods, Phyllis**SULLIVAN**

Franklin, Peter

Odell, Bob

Phinizy, James

Rodeschin, Beverly

**NAYS 226****BELKNAP**

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Millham, Alida	Nedeau, Stephen	Pillioid, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Salatiello, Thomas
Wendelboe, Fran	Wood, Jane		

**CARROLL**

Dickinson, Howard	Lyman, L Randy	Philbrick, Donald	Quimby, Lee
Stevens, Stanley			

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Edwards, Dana	Espiefs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Roberts, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric	Tholl, John Jr		

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Gabler, William
Ham, Bonnie	Lovett, Sid	Nordgren, Sharon	Pawlek, Marion
Sokol, Hilda	Solow, Martha	Teschner, Douglass	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Cardin, Lori	Chabot, Robert	Christensen, D L Chris	Clayton, William
Cote, Peter	Craig, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Goulet, Maurice	Graham, John
Hall, Betty	Hall, Charles	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Kurk, Neal
LaRose, Richard	Lasky, Bette	Leach, Edward	Martel, Andre
McDonough-Wallace, Alice	Messier, Irene	Movesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Patria, Bonnie
Peterson, Andrew	Rowe, Robert	Schulze, Joan	Shaw, Barbara
Spies, Paul	Sweeney, Cynthia	Wheeler, Robert	White, John
Williams, Carol			

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen
Langer, Ray	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Swindlehurst, John
Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Gleason, John	Henderson, Warren	Holland, James Jr
Johnson, Robert	Kobel, Rudolph	Langley, Jane	Langone, John
McGuire, Robert	Micklon, Stephanie	Morse, Charles	Norelli, Terie
Packard, Sherman	Palermo, Diane	Pantelakos, Laura	Rausch, James
Robertson, Carl	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Pelletier, Arthur
Pelletier, Marsha	Reid, Christopher	Rollo, Michael	Snyder, Clair
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Harris, Joseph	Jones, Constance	Leone, Richard

Robb, Amy

and the motion failed.

Rep. Craig moved Inexpedient to Legislate.

Rep. Pitts requested a roll call; sufficiently seconded.

The question now being on the motion of Inexpedient to Legislate.

**YEAS 242 NAYS 114****YEAS 242****BELKNAP**

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Salatiello, Thomas
Thomas, John	Wendelboe, Fran	Wood, Jane	

**CARROLL**

Dickinson, Howard	Lyman, L Randy	Philbrick, Donald	Quimby, Lee
Stevens, Stanley			

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meader, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Roberts, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric	Toll, John Jr		

**GRAFTON**

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Gabler, William	Ham, Bonnie	Lovett, Sid	Nordgren, Sharon
Pawlek, Marion	Sokol, Hilda	Solow, Martha	Teschner, Douglass
Williams, Burton			



**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Cardin, Lori	Chabot, Robert	Christensen, D L Chris	Clayton, William
Cote, Peter	Craig, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasch, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Goulet, Maurice	Graham, John
Hall, Betty	Hall, Charles	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Kurk, Neal
LaRose, Richard	Lasky, Bette	Leach, Edward	Martel, Andre
McDonough-Wallace, Alice	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Patria, Bonnie
Peterson, Andrew	Rowe, Robert	Schulze, Joan	Shaw, Barbara
Spieß, Paul	Sweeney, Cynthia	Thompson, Rob	Wheeler, Robert
White, John	Williams, Carol		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen
Langer, Ray	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, David
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Holland, James Jr	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Major, Norman	McGuire, Robert	Micklon, Stephanie
Morse, Charles	Norelli, Terie	Packard, Sherman	Palermo, Diane
Pantelakos, Laura	Pitts, Jacqueline	Rausch, James	Robertson, Carl
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Stitch, C Donald
Trueman, Raymond	Weatherspoon, Jacquelyne	Welch, David	Whittier, John

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lachance, Douglas
Lent, Donald	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Reid, Christopher	Rollo, Michael	Snyder, Clair	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Harris, Joseph	Jones, Constance	Leone, Richard
Robb, Amy			

### NAYS 114 BELKNAP

Boyce, Laurie                      Lawton, David

### CARROLL

Babson, David Jr                      Bradley, Jeb                      Kenney, Joseph                      Mock, Henry  
Patten, Betsey                      Sullivan, P Judith

### CHESHIRE

Dexter, Judson                      Edwards, Dana                      Emerson, Susan                      Fairbanks, Chandler  
Hunt, John                      Weed, Charles

### COOS

Gallus, John                      Rozek, Michael                      Woodward, David

### GRAFTON

Akins, Ralph                      Alger, John                      Cobb, John                      Dudley, Terri  
Gilman, G Michael                      Giuda, Robert                      Marshall, Gene                      Scanlan, David  
Sova, Charles                      Ward, Brien

### HILLSBOROUGH

Alukonis, David                      Balboni, Michael                      Batula, Peter                      Bergeron, Jean-Guy  
Bouchard, David                      Bruno, Pierre                      Calawa, Leon Jr                      Christiansen, Lars  
Clegg, Robert Jr                      Coughlin, Pamela                      Desrosiers, William                      Dionne, Kimberley  
Elliott, Larry                      Gonzalez, Carlos                      Gorman, Mary                      Greenberg, Gary  
Guinta, Frank                      Herman, Keith                      Holden, Randolph                      Hopper, Gary  
Jean, Loren                      Lefebvre, Roland                      Leishman, Peter                      Lynde, Harold  
Martin, Mary Ellen                      McHugh, Claire                      McRae, Karen                      Mercer, Robert  
Milligan, Robert                      Moran, Edward                      Pepino, Leo                      Salts, Greg  
Sargent, Maxwell                      Seibel, Christopher                      Souza, Kathleen                      Tahir, Saghir  
Vaillancourt, Steve                      White, Donald

### MERRIMACK

Kennedy, Richard                      Leber, William                      Soltani, Tony                      Winter, Steven

### ROCKINGHAM

Arndt, Janet                      Belanger, Ronald                      Bishop, Franklin                      Bridle, Russell  
Camm, Kevin                      Clark, Vivian                      Dalrymple, Janeen                      DiFruscia, Anthony  
Dodge, Robert                      Dowling, Patricia                      Fesh, Bob                      Gilbert, Jeffrey  
Hill, Jonathan                      Hutchinson, Karen                      Itse, Daniel                      Johnson, Rogers  
Kelley, Jane                      Letourneau, Robert                      McKinney, Betsy                      Moore, Benjamin  
Nowe, Ronald                      Power, Lucille                      Putnam, Ed II                      Quandt, Marshall  
Quandt, Matthew                      Reardon, Neil                      Saia, Pamela                      Sapareto, Frank  
Varrell, Thomas                      Weyler, Kenneth                      Zolla, William

### STRAFFORD

Albert, Russell                      Bickford, David                      Cossette, Larry                      Gilmore, Gary  
Harrington, Michael                      McCarthy, Gerald                      Proulx, Raymond                      Tsiros, William  
Twombly, James                      Woods, Phyllis

### SULLIVAN

Franklin, Peter                      Odell, Bob                      Phinzy, James                      Rodeschin, Beverly

and the motion was adopted.

Rep. Thompson voted yea and intended to vote nay.

**HB 134, permitting challenges to judges. MAJORITY: OUGHT TO PASS. MINORITY: IN-EXPEDIENT TO LEGISLATE.**

Rep. Tony F. Soltani for the Majority of Judiciary: Presently, there is no requirement that a judge disqualify himself/herself from a case for any reason. The discretion to remain on the case remains with the judge even in the most egregious cases. This bill allows a party to request that a single judge not be assigned to the case. Additionally, the notice must be filed within thirty days of the return date in the initial stage of the legal action. This notice requirement allows more than an adequate opportunity to accommodate a citizen's request through administrative assignment. The judicial system is well capable of accommodating the needs of the people, judges and litigation to ensure that the notion of justice, and the appearance of justice, is well preserved. Vote 9-8.

Rep. Christopher P. Reid for the Minority of Judiciary: Parties to legal actions currently have the right to move to recuse a judge where the judge has a real or apparent conflict of interest. This bill would encourage forum shopping and would create serious administrative burdens and delay justice, especially in the smaller counties, where only one or two judges may be sitting.

Rep. Brewster spoke in favor and yielded to questions.

Rep. Soltani spoke in favor and requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 202 NAYS 147

### YEAS 202

#### BELKNAP

Boyce, Laurie	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Russell, David	Thomas, John
Wendelboe, Fran			

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Sullivan, P Judith		

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Russell, Ronald	Smith, Edwin		

#### COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Woodward, David		

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Lovett, Sid	Marshall, Gene	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Drisko, Richard
Elliott, Larry	Fields, Dennis	Furman, Christine	Gargas, Carolyn
Ginsburg, Ruth	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	LaRose, Richard	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Martel, Andre	Martin, Mary Ellen
McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Pappas, Marc	Pepino, Leo

Salts, Greg  
Tahir, Saghir  
White, Donald

Sargent, Maxwell  
Thompson, Rob  
Williams, Carol

Seibel, Christopher  
Vaillancourt, Steve

Souza, Kathleen  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Fraser, Leo Jr  
Jacobson, Alf  
Lockwood, Priscilla  
Whalley, Michael

Brewster, Richard  
Greco, Vincent  
Kennedy, Richard  
Poulin, David  
Winter, Steven

Cocord, J D  
Hager, Elizabeth  
Langer, Ray  
Seldin, Gloria

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Griffin, Mary  
Itse, Daniel  
Kelley, Jane  
McKinney, Betsy  
Packard, Sherman  
Quandt, Marshall  
Sapareto, Frank  
Welch, David

Belanger, Ronald  
Camm, Kevin  
Cox, Russell  
Dodge, Robert  
Flanders, John Sr  
Hamel, Albert  
Johnson, Rogers  
Langone, John  
Micklon, Stephanie  
Palermo, Diane  
Quandt, Matthew  
Stritch, C Donald  
Weyler, Kenneth

Bishop, Franklin  
Carson, Sharon  
Dalrymple, Janeen  
Dowling, Patricia  
Giordano, Ronald  
Henderson, Warren  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Reardon, Neil  
Trueman, Raymond  
Whittier, John

Bowles, Raimond  
Clark, Vivian  
Dearborn, Bruce  
Downing, Michael  
Gleason, John  
Hill, Jonathan  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Albert, Russell  
Ferland, Paul  
McCarthy, Gerald  
Proulx, Raymond

Bickford, David  
Gilmore, Gary  
Musler, George  
Tsiros, William

Brennan, William  
Harrington, Michael  
Pelletier, Arthur  
Twombly, James

Cossette, Larry  
Hughes, Christopher  
Pelletier, Marsha  
Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr  
Leone, Richard

Franklin, Peter  
Odell, Bob

Harris, Joseph  
Phinizy, James

Jones, Constance  
Rodeschin, Beverly

### NAYS 147

### BELKNAP

Dewhirst, Glenn  
Rice, Thomas Jr

Johnson, William  
Rosen, Ralph

Millham, Alida  
Salatiello, Thomas

Pilliod, James  
Wood, Jane

### CARROLL

Stevens, Stanley

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Zerba, Roger

DePecol, Benjamin  
McGuirk, Paul  
Pratt, John

Dexter, Judson  
Meader, David  
Richardson, Barbara

### COOS

Bradley, Paula  
Rodrigue, Robert

Guay, Lawrence  
Stohl, Eric

Landers, Dana  
Tholl, John Jr

Mears, Edgar

### GRAFTON

Almy, Susan  
Nordgren, Sharon

Benn, Bernard  
Pawlek, Marion

Cooney, Mary  
Sokol, Hilda

Ham, Bonnie  
Solow, Martha



**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Bragdon, Peter	Buckley, Raymond	Cardin, Lori
Clayton, William	Cote, Peter	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Duval, Jeffrey	Dwyer, Paul
Ford, Nancy	Foster, Linda	Goley, Jeffrey	Gorman, Mary
Graham, John	Guinta, Frank	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Lynde, Harold	McDonough-Wallace, Alice	Movsesian, Lori
Palangas, Eric	Panagopoulos, Nicholas	Patria, Bonnie	Peterson, Andrew
Rowe, Robert	Schulze, Joan	Shaw, Barbara	Spieß, Paul
Sweeney, Cynthia	White, John		

**MERRIMACK**

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	French, Barbara
Gile, Mary	Hess, David	L'Heureux, Stephen	MacKay, James
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Swindlehurst, John
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Flanagan, Natalie
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Holland, James Jr
Hutchinson, Karen	Johnson, Robert	Kobel, Rudolph	Langley, Jane
McGuire, Robert	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Rausch, James	Robertson, Carl	Shultis, Elizabeth	Sloan, Stephen
Weatherspoon, Jacquelyne			

**STRAFFORD**

Berube, Roger	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Goodwin, Earle	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Knowles, William
Lachance, Douglas	Lent, Donald	Reid, Christopher	Rollo, Michael
Snyder, Clair	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Robb, Amy			

and the majority report was adopted.  
Ordered to third reading.

**HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter F. Bergin for Judiciary: This bill was filed to strengthen the limits on liability for law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. The amendment requires a law enforcement agency using a dog to adopt a written policy on the necessary and appropriate use of a dog. Said written policy shall be available for public inspection at any time. Vote 18-1.

**Amendment (0164h)**

Amend RSA 508:18-a as inserted by section 1 of the bill by replacing it with the following:

508:18-a Law Enforcement Agencies; Limitation on Liability for Injuries Caused by Dogs Used in Law Enforcement Work.

I. No law enforcement officer or agency shall be held liable for damages resulting from injuries caused by a dog used in law enforcement work provided that:

(a) The officer and the dog have completed training and received certification from a nationally recognized organization required for police work or other law enforcement work;

(b) The injury arises out of law enforcement conduct within the provisions of RSA 627:5, I and II; and

(c) The law enforcement agency using a dog in enforcement work has adopted a written policy on the necessary and appropriate use of a dog for the work enumerated in subparagraphs (a) and (b). Said written policy shall be available for public inspection at any time.

Adopted.

Report adopted and ordered to third reading.

**HB 383**, making the state courts subject to the right-to-know law. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The committee felt that the intent of the bill was good, but it was too vague to accomplish the intent of the sponsor. There are areas of the court system that should be more open to public view. This bill may be flawed in that it could be interpreted as giving the public access to judicial functions such as jury deliberations, judges' deliberative sessions, etc. Vote 12-2.

Adopted.

Rep. DePecol wished to be recorded as having voting against the committee report.

**HB 199**, relative to the collection of property taxes assessed on manufactured housing. **INEXPEDIENT TO LEGISLATE**

Rep. William Johnson for Municipal and County Government: Manufactured housing is an essential component of the mix of housing options available in New Hampshire. Both "stick built" homes and manufactured housing are considered real estate for the purpose of taxation. The main difference between "stick built" and manufactured housing is the ownership of the land under the structure. Manufactured housing is organized in three types of locations – individually owned lots, investor-owned parks, and cooperatively owned parks. This bill would shift the responsibility of paying taxes from the property owner to the landowner. During the public hearing, Greenville officials and representatives talked about the burdensome problem posed by owners of manufactured housing who "walked away" from their homes. While the committee recognizes that abandoned manufactured housing presents a problem for certain municipalities, the committee felt that the bill did not specifically address this problem. In addition, the bill would create an adversarial relationship between park owners and housing owners, shift an unfair burden for tax collection on to park owners, and reduce the real estate nature of manufactured housing under existing statutes. Vote 14-2.

Adopted.

Rep. DePecol wished to be recorded as having voted against the committee report.

**HB 176-FN-L**, relative to the port in the city of Portsmouth, New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael J. Rozek for the Majority of Public Works and Highways: The committee studied both the bill and the amendment offered by the sponsor. In dealing with the bill as proposed, the committee was not in support of the transfer of state owned property from the Port Authority to the city of Portsmouth. The committee studied the amendment offered by the sponsor. This amendment would have created another study committee for the Port Authority. There is currently a study committee whose members encompass numerous representatives from the city of Portsmouth. This committee is working closely with the city of Portsmouth on this sensitive issue. Over the past several years numerous studies have been conducted, and the latest study has presented legislation, which our committee will be hearing in the near future. Another study committee would only delay and confuse the issue. If legislation proposed by the study committee under HB 1559, Laws of 2000, Chapter 153:2 is successful, the surrounding area, as well as the city of Portsmouth, would benefit. Our committee did not feel that another study committee is needed at this time. Vote 11-5.

Rep. Elizabeth C. Shultis for the Minority of Public Works and Highways: The New Hampshire Port Authority's Marine Terminal occupies 11 acres of prime property in the city of Portsmouth's "Northern Tier District". Recognizing the problems the Port has had generating activity in the past few years, and the unfavorable audit of the Port Authority, this bill would have transferred the Marine Terminal land to the city of Portsmouth. The minority supported an amendment to change this requirement and establish a committee to study the relationship of the Port to the city.

**Amendment (0015h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the relationship between the city of Portsmouth and the state port authority regarding the use and future of the port in the city of Portsmouth.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The city of Portsmouth recognizes the importance of the state port authority terminal to the economic vitality of the city, region, and state. However, ways to create more local input from the city in the operation of the port terminal would create increased local satisfaction that the vision of the Portsmouth community is being considered and incorporated into the future use of the port terminal. Therefore, this act creates a committee to study the relationship between the city of Portsmouth and the state port authority regarding the use and future of the port terminal.

2 Committee Established. There is established a committee to study the relationship between the city of Portsmouth and the state port authority regarding the use and future of the port in the city of Portsmouth.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall:

I. Examine the structure, organization, goals, and responsibilities of the state port authority.

II. Develop a long-range 20-year vision for the port in the city of Portsmouth that considers quality of life for the city of Portsmouth and environmental protection.

III. Create a way for more local input from the city of Portsmouth in the state port authority's operation and vision as it relates to the port in the city of Portsmouth.

IV. Solicit input from the Portsmouth city manager.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

7 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a committee to study the relationship between the city of Portsmouth and the state port authority regarding the use and future of the port in the city of Portsmouth. The committee shall report its findings by November 1, 2002.

Rep. Shultis spoke against.

Reps. Splaine and Pantelakos spoke against and yielded to questions.

Rep. Leber spoke in favor.

Reps. Morse and Smith spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

**YEAS 229 NAYS 121**

**YEAS 229**

**BELKNAP**

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Thomas, John

Czech, Stanley  
Lawton, David  
Rice, Thomas Jr  
Wendelboe, Fran

Dewhirst, Glenn  
Millham, Alida  
Rosen, Ralph

Flanders, Donald  
Nedeau, Stephen  
Russell, David

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Emerson, Susan  
Meader, David

DePecol, Benjamin  
Fairbanks, Chandler  
Roberts, William

Dexter, Judson  
Hunt, John  
Royce, H Charles

Edwards, Dana  
Manning, Joseph  
Smith, Edwin

**COOS**

Davis, Perley  
Pratt, Leighton  
Woodward, David

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
Sova, Charles

Alger, John  
Gabler, William  
Lovett, Sid  
Teschner, Douglass

Barker, Robert  
Gilman, G Michael  
Marshall, Gene  
Ward, Brien

Cobb, John  
Giuda, Robert  
Scanlan, David  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bouchard, David  
Bruno, Pierre  
Christiansen, Lars  
Dionne, Kimberley  
Eaton, Richard  
Gargas, Carolyn  
Graham, John  
Holden, Randolph  
LaRose, Richard  
McHugh, Claire  
Moran, Edward  
Peterson, Andrew  
Seibel, Christopher  
Thompson, Rob

Alukonis, David  
Batula, Peter  
Bouldin, Michael  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dokmo, Cynthia  
Elliott, Larry  
Golding, William  
Guinta, Frank  
Hopper, Gary  
Leach, Edward  
McRae, Karen  
O'Connell, Timothy  
Rowe, Robert  
Souza, Kathleen  
Vaillancourt, Steve

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bragdon, Peter  
Chabot, Robert  
Coughlin, Pamela  
Drisko, Richard  
Fields, Dennis  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
Leishman, Peter  
Mercer, Robert  
Pappas, Marc  
Salts, Greg  
Spiess, Paul  
Wheeler, Robert

Artz, Lawrence  
Bergin, Peter  
Brundige, Robert  
Christensen, D L Chris  
Desrosiers, William  
Dwyer, Paul  
Furman, Christine  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Martel, Andre  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Tahir, Saghir  
White, Donald

**MERRIMACK**

Anderson, Eric  
Davis, Frank  
Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Swindlehurst, John

Brewster, Richard  
Dunne, Christopher  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Whalley, Michael

Colcord, J D  
Feuerstein, Martin  
Hutchinson, John  
Leber, William  
Poulin, David  
Winter, Steven

Cummings, Raymond  
Fraser, Leo Jr  
Jacobson, Alf  
Lockwood, Priscilla  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Cox, Russell  
Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis

Belanger, Ronald  
Carson, Sharon  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Johnson, Robert  
Kobel, Rudolph

Bishop, Franklin  
Clark, Vivian  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Langley, Jane

Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Langone, John



Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Rausch, James  
Sloan, Stephen  
Weyler, Kenneth

Major, Norman  
Moore, Benjamin  
Palermo, Diane  
Reardon, Neil  
Stritch, C Donald  
Whittier, John

McGuire, Robert  
Morse, Charles  
Power, Lucille  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed II  
Sapareto, Frank  
Welch, David

## STRAFFORD

Albert, Russell  
Cossette, Larry  
Knowles, William  
Reid, Christopher

Berube, Roger  
Dunlap, Patricia  
Lachance, Douglas  
Tsiros, William

Bickford, David  
Harrington, Michael  
McCarthy, Gerald  
Twombly, James

Brown, Julie  
Hughes, Christopher  
Musler, George  
Woods, Phyllis

## SULLIVAN

Flint, Gordon Sr  
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

## NAYS 121

## BELKNAP

Johnson, William

Salatiello, Thomas

Wood, Jane

## CARROLL

None

## CHESHIRE

Allen, Peter  
McGuirk, Paul  
Richardson, Barbara

Batchelder, Robert  
Mitchell, McKim  
Russell, Ronald

Burnham, Daniel  
Pratt, Irene  
Weed, Charles

Espiefs, Peter  
Pratt, John  
Zerba, Roger

## COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

## GRAFTON

Almy, Susan  
Pawlek, Marion

Benn, Bernard  
Sokol, Hilda

Cooney, Mary  
Solow, Martha

Nordgren, Sharon

## HILLSBOROUGH

Andosca, Mary  
Cardin, Lori  
Daigle, Robert  
Ginsburg, Ruth  
Jean, Claudette  
Konys, Christine  
Martin, Mary Ellen  
Palangas, Eric  
Shaw, Barbara

Baroody, Benjamin  
Clayton, William  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Johnson, Lionel  
Lasky, Bette  
McDonough-Wallace, Alice  
Panagopoulos, Nicholas  
Sweeney, Cynthia

Bellavance, Paul  
Cote, Peter  
Duval, Jeffrey  
Gorman, Mary  
Kacavas, John  
Lefebvre, Roland  
Messier, Irene  
Patria, Bonnie  
White, John

Buckley, Raymond  
Craig, James  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
Lynde, Harold  
Movsesian, Lori  
Schulze, Joan  
Williams, Carol

## MERRIMACK

Bouchard, Candace  
French, Barbara  
Owen, Derek  
Rush, Deanna

Clarke, Claire  
Gile, Mary  
Potter, Frances  
Seldin, Gloria

Crosby, Toni  
Greco, Vincent  
Reardon, Tara  
Wallner, Mary Jane

Daneault, Gabriel  
Moore, Carol  
Rodd, Beth  
Yeaton, Charles

## ROCKINGHAM

Blanchard, MaryAnn  
Hutchinson, Karen  
Pitts, Jacqueline  
Shultis, Elizabeth

Bowles, Raimond  
Kelley, Jane  
Quandt, Marshall  
Splaine, James

Clark, Martha Fuller  
Norelli, Terie  
Quandt, Matthew  
Trueman, Raymond

Coes, Betsy  
Pantelakos, Laura  
Robertson, Carl  
Weatherspoon, Jacquelyne

**STRAFFORD**

Brennan, William  
 Ferland, Paul  
 Johnson, Nancy  
 Pelletier, Marsha  
 Taylor, Kathleen

Callaghan, Frank  
 Gilmore, Gary  
 Kaen, Naida  
 Proulx, Raymond  
 Wall, Janet

DeChane, Marlene  
 Grassie, Anne  
 Lent, Donald  
 Rollo, Michael  
 Woodill, Rodney

Estabrook, Iris  
 Heon, Richard  
 Pelletier, Arthur  
 Snyder, Clair

**SULLIVAN**

Allison, David  
 Franklin, Peter

Burling, Peter  
 Harris, Joseph

Cloutier, John  
 Phinizy, James

Ferland, Brenda  
 Robb, Amy

and the majority report was adopted.

**HB 303-FN-A-L**, relative to funding of training and certification of fire fighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard E. Kennedy for Criminal Justice and Public Safety: The purpose of this bill is to establish a non-lapsing, dedicated, funding source for the training and certification of firefighters and emergency medical service (EMS) providers in the state of New Hampshire. We recognize the important roles that fire and EMS responders play in the maintenance of the health and safety of our citizens and visitors to New Hampshire. We are also aware of the ever-increasing requirements placed upon emergency response personnel for enhancing their training in the use of sophisticated fire-fighting and life-saving technologies, which are essential to the health and safety of all citizens. On a daily basis, firefighters and emergency medical service providers respond to and extinguish residential, commercial and industrial fires; extricate victims; provide basic and advanced life support and medical care; investigate the causes of fires; and respond to motor vehicle crashes, car fires, hazardous materials spills, and other medical emergencies on the state's roadway system. Firefighter and EMS professionals are present throughout the state, and it is the responsibility of the divisions of fire standards and training and EMS to provide these professions with training programs and certification services at a regional level. It is estimated local communities may pay up to 25% of the costs associated with the training programs. Currently, the communities may pay 100% of the costs. The commissioner will have the authority to waive fees for tuition, services and licenses, for good cause shown. The drivers license fee will increase from \$32 to \$50 under the provisions of this bill and the term of the license will increase from four years to five years. The increase will go to the highway fund. Funding for the firefighter academy has not been sufficient to allow outreach programs to bring training and certification classes to the regional departments as had been promised when the academy was first established. The direct funding of the academy will come from depositing the \$7 fee for motor vehicle records paid by insurance carriers into the fire standards and training and emergency medical services fund established in RSA 21-P:12-d. Vote 16-0.

**Amendment (0058h)**

Amend the bill by inserting after section 5 the following and renumbering the original section 6 - 14 to read as 7 - 15, respectively:

6 Administration of Motor Vehicle Laws; Records and Certification; Copy Fees Deposited in Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 260:14, XIII to read as follows:

XIII. Notwithstanding the provisions of RSA 91-A, the department may charge reasonable fees for the release of information under this section. In determining a reasonable fee, the department shall consider factors such as labor and production costs, as well as the market value of the information. *All such fees shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.*

Adopted.

Rep. McRae spoke against.

Rep. Welch spoke in favor and yielded to questions.

Report adopted and referred to Ways and Means.

**HB 326-FN-A**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: HB 326-FN-A will extend the task force on deafness and hearing loss established in 2000 so it can complete work on behalf of the needs of the deaf and hard of hearing. The task force would remain in effect until November 1, 2001 when a report and recommendations will be submitted to the Speaker of the House and the President of the Senate. In addition, the task force membership was increased to include state department representation (Attorney General, Dept. of Corrections, Dept. of Safety, and Commissioner on Disability), as well as, Granite State Independent Living and Northeast Deaf and Hard of Hearing Services, Inc. \$10.00 is appropriated to support the designated non-profit organization being developed to enhance interpreter referral and related services. Vote 12-0.

### **Amendment (0159h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The New Hampshire task force on deafness and hearing loss, established in 2000, 234, determined that the needs of the deaf and hard of hearing community are complex and will require sustained effort to address, including ongoing support for effective interpreter referral services. The task force also determined that access to qualified interpreters in executive, legislative, and judicial proceedings is a significant concern in the administration of justice and the execution of other critical government functions. The task force has not had the opportunity to include several key state agencies in its discussions of those issues. The task force has identified additional steps that should be taken over the next year to ensure that the work it has begun will continue. It is the intent of the general court that each state department make use of interpreters, utilizing interpreter referral services through Northeast Deaf and Hard of Hearing Services, Inc. or other qualified deaf and hard of hearing consumer governed organizations, to facilitate the scheduling of appropriately qualified interpreters for citizens who are deaf or hard of hearing.

2 New Subparagraphs; Task Force Established; Membership Enlarged. Amend 2000, 234:2, I by inserting after subparagraph (l) the following new subparagraphs:

- (m) The attorney general, or designee.
- (n) The commissioner of the department of safety, or designee.
- (o) The commissioner of the department of corrections, or designee.
- (p) The executive director of Granite State Independent Living, or designee.
- (q) The executive director of the governor's commission on disability.
- (r) The executive director of Northeast Deaf and Hard of Hearing Services, Inc.
- (s) Any other appropriate person designated by the task force.

3 New Paragraphs; Task Force Duties Expanded. Amend 2000, 234:4 by inserting after paragraph V the following new paragraphs:

VI. Advise and support the enhancement of interpreter referral and related services offered to state agencies, businesses, and other entities that interact with citizens who are deaf and hard of hearing through Northeast Deaf and Hard of Hearing Services, Inc. or other qualified deaf and hard of hearing consumer governed organizations.

VII. Consider how Northeast Deaf and Hard of Hearing Services, Inc., or other qualified deaf and hard of hearing consumer governed organizations can assist state agencies, particularly those involved in the administration of justice, to fulfill their obligations to individuals who are deaf or hard of hearing, consistent with state and federal law.

VIII. Encourage all state departments to utilize the interpreter referral services made available through Northeast Deaf and Hard of Hearing Services, Inc. or other qualified deaf and hard of hearing consumer governed organizations.

4 New Section; Extension of Task Force; Final Report. Amend 2000, 234 by inserting after section 5 the following new section:

234:5-a Extension of Task Force; Final Report. The task force shall remain in effect until November 1, 2001, and its members shall continue to serve until November 1, 2001. The task force shall submit its final report and recommendations, including proposals for legislation, to the governor and council, the speaker of the house, and the president of the senate on or before November 1, 2001.

5 Appropriation. To foster the stability and effectiveness of the newly established Northeast Deaf and Hard of Hearing Services, Inc., or other qualified deaf and hard of hearing consumer governed organizations, an appropriation in the amount of \$10 is made for each year of the biennium to the

governor's commission on disability for the purpose of supporting the designated non-profit organization's development and to assist it in securing contracts, private and public grants, and other funding sources for the organization's continued operation.

6 Effective Date. This act shall take effect upon its passage.

Adopted.

Rep. Millham yielded to questions.

Report adopted and ordered to third reading.

**HB 434**, relative to persons who die in nursing homes. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: The committee strongly felt that circumstances surrounding the death of a person in a nursing home is best left up to the nursing home and its staff, who are trained to handle these situations. The committee also recognizes that the family, surviving residents and facility staff need an opportunity to say good-bye and should not be denied their need and right to grieve. Removing a recently deceased nursing home resident should be treated with dignity and respect. Implementation of this bill would seriously compromise the situation. With all due respect to the sponsors, testimony heard by the committee does not support the need for this legislation. Vote 17-0.

Rep. Brennan spoke against.

Rep. Micklon spoke in favor.

Rep. Phyllis Katsakiores spoke in favor and yielded to questions.

Adopted.

**HB 173-FN**, relative to the place and time of detention. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: The majority of the committee found that the elimination of Saturday arraignments would disproportionately impact indigent defendants. This would be a poor policy for the state to enter into because of its potential effects. The bill also could have an economic impact on individuals who work weekends and were unable to afford bail. Vote 11-5.

Adopted.

**HB 214-FN**, requiring transcription of grand jury proceedings. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas Rice, Jr. for Judiciary: Many committee members sympathized with and supported the concept of this bill – that any person secretly indicted by a grand jury should have a transcript in order to defend oneself. However, the compelling objections to this proposition were: (1) destroying the secrecy of the inquiry could inhibit a thorough and conclusive investigation, including jeopardizing the anonymity of witnesses; and (2) the additional cost to the counties for transcriptions was considered a definite violation of Article 28-a. Vote 18-1.

Rep. Mock yielded to questions.

Rep. DiFruscia moved Re-commit to Committee, spoke in favor and yielded to questions.

Rep. Mock spoke against.

Without objection, Rep. DiFruscia withdrew his motion.

Committee report adopted.

**HB 320-FN**, relative to leasing certain portions of railroad properties. **OUGHT TO PASS**

Rep. John W. Flanders for Transportation: The committee felt that this bill was necessary and it has wide support. The Department of Transportation supported it. This income from such leases will be deposited into the special railroad fund, which is used for rail upkeep. Vote 11-0.

Rep. John Flanders yielded to questions.

Adopted and referred to Ways and Means.

Rep. Leishman declared a conflict of interest and did not participate.

## SENATE MESSAGE

### CONCURRENCE

**HB 763-L**, relative to obligations of county governments.

## ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 763.

Rep. Nowe, Sen. Pignatelli for the Committee.



## SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit the deadline date for introduction of House Bills be extended until March 8, 2001.

Adopted by the necessary two-thirds.

## RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 8, 2001.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 120**, relative to the membership of the department of youth development advisory board.

**HB 265**, prohibiting the sale of rolling papers to minors.

**HB 237**, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system.

**HB 124**, establishing a committee to study on-line voting and electronic voting.

**HB 245**, relative to the duties and staff of the state geologist.

**HB 371**, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant.

**HB 236**, relative to the registration of deer.

**HB 389**, establishing a committee to study the nursing home industry in New Hampshire.

**HB 157**, clarifying the immunity from liability of persons providing emergency care.

**HB 203**, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists.

**HB 215**, relative to publication of status of cases before the supreme court.

**HB 194**, relative to municipal budget hearings, recommendations, and reports.

**HB 263**, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk.

**HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift.

**HB 273**, relative to the purpose of state jurisdiction of fish and game regulation.

**HB 134**, permitting challenges to judges.

**HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

**HB 326-FN-A**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor.

## PERSONAL PRIVILEGE

Rep. Carlos Gonzales addressed the House.

## UNANIMOUS CONSENT

Reps. Betty Hall, Donald White and DiFruscia addressed the House.

## RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purposes of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 1:45 p.m.

## RECESS

**(Rep. Wendelboe in the Chair)**

**RESOLUTION**

Rep. Kurk offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 25, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL**

**First, second reading and referral**

**HB 25-FN-A**, making appropriations for capital improvements. (E. Smith, Ches 6: Public Works and Highways)

**RECESS**

**(Rep. Hess in the Chair)**

**RESOLUTION**

Rep. Tholl offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 764 and 765 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS**

**First, second reading and referral**

**HB 764-FN**, relative to interference with custody. (Burnham, Ches 8; Avery, Ches 8: Criminal Justice and Public Safety)

**HB 765-FN-A**, establishing an historic homeownership mortgage credit program. (M. Fuller Clark, Rock 36; Melcher, Hills 11; Musler, Straf 6; Robb, Sull 11; D'Allesandro, Dist 20; Below, Dist 5; Disnard, Dist 8; Hollingworth, Dist 23: Commerce)

**RECESS**

**(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 8

Thursday, March 8, 2001

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed Creator and Guardian of all, we give You thanks today for all the men and women of our beloved New Hampshire who answer the emergency call to duty as fire fighters, EMTs or rescue squad members.

Today we acknowledge, especially, Your servant, Leslie Townes. When the emergency tone is sounded, please be with all who respond in love and skill to bring Your compassion into difficult and often tragic circumstances; give them a calm spirit in the knowledge that You stand with them as they serve others; and when the final tone is sounded and they respond to their heavenly home, receive them into larger life where there is no pain or grief, and may they hear Your words, "Well done, my good and faithful servant. Inherit the Kingdom prepared for you." By the grace of God, we pray. Amen.

Rep. Robert F. Chabot led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. David Cote, Ford, Henderson, Ronald Russell, Tate and Whittemore, the day, illness.

Reps. Paula Bradley, Bouldin, Cardin, Cox, Crosby, DePecol, Dodge, Drisko, Duval, Flanagan, Donald Flanders, Grassie, Heon, Hill, Itse, O'Connell, O'Keefe, Marsha Pelletier, Robertson and Solow, the day, important business.

Rep. Taylor, the day, death in the family.

### INTRODUCTION OF GUESTS

Charlie True, Shirley Bear, Alice Stevens, Daniel King, Bob Flying Eagle, Jimmy Thunderheart and his son Christopher, Kirk Maracle, Peter Newell, Linda and Don Newell, guests of Rep. Kenney. Kerry Marsh, guest of Reps. Edwin Smith, Fairbanks and Edwards. Kristina Gerdt, guest of Rep. Boyce. Sean VanderVliet, guest of Reps. Burling and Scovner. Mrs. Janiak's 4<sup>th</sup> grade class from Reed Ferry School, guests of the Merrimack Delegation. Victoria and Malya Robinson, daughter and granddaughter of Rep. Schultz. Belmont, Hillsborough-Deering and Moultonborough Best Schools Initiative teams, guest of Reps. Patten and Thomas.

The House offered the following:

### HOUSE RESOLUTION NO. 9

Memorializing State Representative Bernard J. Lambert of West Swanzey

WHEREAS, it is with great sorrow that we have learned of the death of our colleague Bernard J. Lambert of West Swanzey, known to his friends as "Mickey"; and

WHEREAS, as a first term representative from Cheshire County District #11, Bernard J. Lambert served with great pride and enthusiasm on the Fish and Game Committee; and

WHEREAS, having been born in West Swanzey and spent his entire life there, he served his community as a Swanzey selectman, deputy Civil Defense director, deputy Fire Chief, and as a member of the West Swanzey Fire Department for almost forty years; and

WHEREAS, being a sports enthusiast, he was a member and past president of the governing board for the West Swanzey Athletic Association, a regular attendee at ball games at local fields and a fan of the Keene Swamp Bats baseball team; and

WHEREAS, those who knew him well say that for at least forty-eight years he annually planned well in advance to attend the Bradford, Vermont Game Supper, was in regular attendance at church suppers in Cheshire County, and diligently patrolled the restaurants on Route 10 from Winchester to Keene; and

WHEREAS, he had a knack for making people happy, whether by taking children to the fair or circus or by noticing little details like a need for picnic tables to make an area of town more enjoyable; and

WHEREAS, when he laughed, his eyes closed like he really enjoyed the laughter; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that Bernard J. Lambert be saluted for his outstanding and dedicated service to his community and his state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a copy of this Resolution be prepared for presentation to them.

Unanimously adopted by a rising vote.

Rep. Burling addressed the House.

Rep. Herman moved that remarks made by Rep. Burling be printed in the Journal.

Adopted.

### REMARKS

Rep. Burling: Thank you, Mr. Speaker. I wanted to take just a minute, not even that, to recognize the miracle of this man's life. You know, we are so many and so many of us don't get a chance to meet each other until four or five terms into this process, that sometimes we lose folks without ever knowing how really exceptional they were. Mickey was such a man and I didn't get to know that until this campaign season; until I had a chance to meet him; until I had a chance to attend his calling hours. It is incredible to me that the state of New Hampshire can continue to come up with such wonderful folks, such dedicated public servants, people who will give so much of themselves. I'm sure every one of you has been in a similar circumstance but I wanted to share with you the notion that, standing in back of the calling hours watching as friends from Swanzy and Keene moved through, I listened to the stories people told about Mickey, and every one of them was characterized by a sense of marvel at the generosity of the man, the humor of the man, and the incredible fortitude with which he addressed everything that came before him. Thank you for listening. I just wanted to say one last time to the people of Swanzy, "Thank you for sharing, for just a moment, the exceptional man, Mickey Lambert."

### COMMUNICATION

February 28, 2001

Gene G. Chandler, Speaker

Dear Mr. Speaker,

I, Roland O. Beaupre of 142 Brock Street, Manchester, NH, 03102, with much regret do submit my resignation from the New Hampshire General Court, House of Representatives, effective immediately. I was formally living at 2904 Brown Avenue, Manchester, NH 03103, Hillsborough County, District 44 which is in Ward 8.

Having been in the House for more than 8 years, I enjoyed my participation very much. Hopefully, I will be able to pursue this again in the near future.

Respectfully, Roland O. Beaupre, Hills. 44

The Speaker accepted the resignation with regret.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that rules be so far suspended so that March 15, 2001 shall be the deadline for reporting House FN bills referred to a second committee and to permit late reporting and action by April 19, 2001 on the following House Bills:

**HB 336-FN-A**, making capital appropriations to the university system of New Hampshire.

**HB 604-FN**, relative to increasing certain fees and making other changes to fish and game licenses.

**HB 642-FN-L**, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize former county correctional facilities as state facilities.

**HB 743**, transfers the department of youth development services to the department of health and human services.

**HB 759-FN-A-L**, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education.

**HB 761-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor.

**HB 762-FN-A**, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund.

**HB 765-FN-A**, establishing an historic homeownership mortgage credit program.

Reps. Herman and Burling spoke in favor.

Adopted by the necessary two-thirds.



## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HR 6**, recognizing the ancient and aboriginal claim of Indians in the state to hunt and fish, removed by Rep. Kenney.

**HJR 2**, directing the department of transportation not to proceed with construction of a new visitor's center at the Intervale scenic vista in North Conway without approval of the Conway design review committee and the Conway board of selectmen, removed by Rep. Dickinson.

**HB 583**, making certain changes to the underground utility damage prevention system, removed by Rep. Thomas.

**HB 184-FN-A**, establishing a 3 percent sales and use tax for the purpose of funding public education, removed by Rep. Benjamin Moore.

**HB 297-FN-L**, eliminating excess education property tax payments, removed by Rep. Pepino.  
Consent Calendar adopted.

### **HB 407**, establishing a committee to study the fair pricing of prescription drugs. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: This bill would create a study committee on a subject that is already being studied. There is also a Northeast Interstate Commission on Prescription Drug Prices that is working on this issue with representatives of all the New England states including New Hampshire. The sponsor has been encouraged to submit legislation to accomplish his intent, rather than for another study committee. Vote 15-0.

### **HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill addresses the issue of criminal neglect of the elderly by a caregiver. This bill makes it a class B felony for a caregiver to knowingly or recklessly cause serious bodily injury by neglect of an elderly, disabled or impaired adult. Neglect is specifically defined as repeated conduct or a single incident, which produces or could reasonably be expected to result in serious bodily injury. The committee heard of a horrifying case of neglect in Manchester, for which the authorities were in a quandary about what charges to bring forth. This bill is intended for those most serious and egregious cases of neglect. It also includes a provision to protect a person's right to self-determination or right to refuse treatment, and also a person's right to spiritual healing even if that conflicts with recommended medical treatment. Vote 14-0.

### Amendment (0042h)

Amend RSA 631:8, I (g) as inserted by section 1 of the bill by replacing it with the following:

(g) "Neglect" means the failure or omission on the part of the caregiver to provide the care, supervision, and services necessary to maintain the health of an elderly, disabled, or impaired adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, that a prudent person would consider necessary for the well-being of an elderly, disabled, or impaired adult. The term "neglect" also means the failure of a caregiver to make a reasonable effort to protect a disabled adult or an elderly person from abuse, neglect, or exploitation by others. "Neglect" is repeated conduct or a single incident which produces or could reasonably be expected to result in serious bodily injury.

Amend RSA 631:8 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraphs:

IV. Nothing in this section shall be construed to alter or impair a person's right to self-determination or right to refuse medical treatment as described in RSA 151:21 and RSA 151:21-b.

V. Nothing in this section shall be construed to mean a person is abused, neglected, exploited, or in need of protective services for the sole reason that such person relies on or is being furnished treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a church or religious denomination of which such person is a member or an adherent.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 308-FN**, relative to administrative fees added to restitution payments. **OUGHT TO PASS**  
Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: This bill eliminates a provision of law that would have discontinued the 17 percent administrative fee to the total restitution payment ordered by the court. RSA 651:63, effective 7/1/97, added a seventeen percent (from 2 percent) administration fee to total restitution costs. 15% of this fee is continually appropriated to the Dept. of Corrections Field Services. Out of the 15% \$22,500 lapses at the end of each quarter to the General Fund if that amount is received. Anything over and above \$22,500 each quarter is kept by the Department of Corrections. The Dept. of Corrections portion of the money has been considered invaluable to the Department and has been used to purchase equipment and to help cover additional probation/parole officer expenses. Vote 15-0.

**HB 325-FN**, relative to certain acts of sexual assault. **OUGHT TO PASS**  
Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill is the result of a study committee. It reduces the penalty from a Class B felony to a Class A misdemeanor for underage persons having consensual sex. It provides an exception to the statutory rape laws in cases where there is an age differential of 4 years or less between the actor and a person who is between the ages of 13 and 16, where there is no evidence of coercion, force or intimidation on the part of the actor. This age differential is mirrored in the laws of other states. Much of the wording in the bill was provided by a county prosecutor supporting this change. This change also removes teenagers from the requirements of the sexual offender registration law. The philosophy in the bill also has the support of the director of the Sexual Offender Program at the Dept. of Corrections and the NH Coalition Against Sexual and Domestic Violence. Vote 15-0.

**HB 343-FN-L**, relative to certain individuals taken into protective custody. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill addresses the need to return a person to the town in which they were taken into protective custody. Testimony revealed that numerous times a person is ready to be released but is not able to obtain transportation from the jail possibly resulting in the person being released in a remote area in bad weather. HB 442 being heard in Municipal and County Government proposes a study of the protective custody issue and will more appropriately address that problem and possible answers. This bill also may create a 28-a problem. Vote 14-0.

**HB 356**, prohibiting persons convicted of any criminal offense or found guilty of violating any law governing gambling conducted by charitable organizations from participating in the conduct of lucky 7 or sale of lucky 7 tickets. **INEXPEDIENT TO LEGISLATE**

Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill is intrusive on business and charitable organizations. There appears to be no problem that needs fixing. Vote 14-0.

**HB 361**, establishing a committee to study certain policies and procedures in the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill is a result of recommendations of a study committee that met throughout the spring, summer and fall of last year. In investigating allegations of harassment, misconduct and multiple levels of complaints throughout the Department of Corrections, the committee concluded that a more thorough investigation of the DOC's administrative and personnel issues was warranted. The Commissioner of Corrections is supportive of the bill and has agreed that the DOC will cooperate in the study. This study committee will also consider any recommendations that may be contained in a future performance audit of the Department of Corrections. Vote 15-0.

#### **Amendment (0116h)**

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

**HB 437-FN**, relative to certain changes to the child pornography statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: This bill seeks to make the sale, publication and distribution of certain visual representations of unclothed children a felony. Constitutional issues were raised during the hearing as well as questions regarding the ambiguity and subjectivity of such matters. This bill is well intended but extremely broad in scope. There was testimony from law enforcement at the subcommittee meeting that the current statute is comprehensive and enforceable. The significant changes that this bill would enact could possibly jeopardize the constitutionality of the existing statute. Vote 14-0.

**HB 322-FN-L**, establishing a maximum per pupil amount for high school tuition contracts. **INEXPEDIENT TO LEGISLATE**

Rep. Charles Sova for Education: This bill would have capped the cost of tuition contracts for out-of-district placements of high school students. The committee felt this would not be fair to the receiving district(s). A school district, which capped its tuition costs, could find that no receiving district would agree to accept its school children. Vote 17-0.

**HB 486**, relative to vocational education alternatives for public school pupils. **INEXPEDIENT TO LEGISLATE**

Rep. John R.M. Alger for Education: The committee is reluctant to impose requirements on local schools, which this bill requires, especially since testimony from the Department of Education was that the state already has numerous vocational high schools serving about 25,000 students across the state. Also, the sponsor communicated with the committee chairman and suggested that the issue was important, but that the bill was premature. Vote 17-0.

**HB 487**, establishing a committee to study safety issues relating to the transportation of kindergarten students. **INEXPEDIENT TO LEGISLATE**

Rep. Iris W. Estabrook for Education: The transportation safety concerns raised in this bill will be incorporated into a wider discussion of school bus issues by a subcommittee of the Transportation Committee. The Education Committee supports this approach. Vote , 17-0.

**HB 165**, relative to the requirement for including constitutional amendments in the warrant posted at the polling place before general elections. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This bill would eliminate the requirement for local election officials to post constitutional amendments prior to state general elections. For many voters this is the first opportunity to see offered amendments that are not highly publicized. The committee believes it is very important to retain this procedure. Therefore, the committee recommends the bill be found Inexpedient to Legislate. Vote 18-0.

**HB 188-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would allow members of the New Hampshire Retirement System to purchase up to 4 years of military service time to add to their creditable service time in the New Hampshire Retirement System. The New Hampshire Retirement System was established to provide employees of the state and political subdivisions with an additional benefit for the years they had worked for their employer. The committee respects the time that many have spent in defense of this country. However, military service is not related to the employment record with the state and should not be counted toward retirement. Vote 12-2.

**HB 344-FN**, establishing a state office of privacy. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Lent for Executive Departments and Administration: In addition to creating a state office of privacy, the bill creates a new individual right of privacy which carries with it an opportunity to bring legal action for damages against the state for violations. This is one of two privacy bills the committee has heard. After two subcommittee meetings for both bills and consultation with various state offices, the subcommittee expects a more lengthy study of HB 314, which may prove to be a better vehicle for crafting privacy policy in the state. Vote 14-0.

**HB 385**, changing the name, membership and duties of the office of volunteerism. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allen for Executive Departments and Administration: Even though Tennessee has the motto, "Volunteer State," New Hampshire is the number one state in the nation for volunteer



participation. The Office of Volunteerism was established in an earlier session of the legislature. This bill changes the name to Volunteer NH and describes the duties and supporting organizational structure. The amendment clarifies that the Governor and Executive Council appoint a 15-member board of directors and an executive director, that volunteers will be recognized for service and removes the provision that Volunteer NH reports include recommendations for future legislation. Vote 14-0.

#### **Amendment (0192h)**

Amend RSA 19-H:1, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The following members, appointed by the governor and executive council:

(1) An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth.

(2) An individual with experience in promoting the involvement of adults 55 years of age or older in service and volunteerism.

(3) A representative from a community-based agency or community-based organization with volunteer participation.

(4) A representative from local government.

(5) A representative from a local labor organization.

(6) At least one representative from the business community.

(7) An individual between 16 and 25 years of age, inclusive, who is or has been a participant or supervisor in a service program.

(8) A representative of a national service program described in section 122(a) of the National and Community Service Act of 1990, as amended.

(9) A representative from the religious community.

(10) A representative from the philanthropic community.

(11) A representative from post-secondary education.

Amend RSA 19-H:4, I as inserted by section 1 of the bill by replacing it with the following:

I. The board may organize an advisory council and program committees to develop, promote, execute, sustain, and provide education and recognition to volunteer activities and programs in New Hampshire.

Amend RSA 19-H:6 as inserted by section 1 of the bill by replacing it with the following:

19-H:6 Report. The board shall submit an annual report of its activities to the governor and council, the senate president, and the speaker of the house of representatives.

#### **HB 312-FN, increasing the agent fee for fish and game licenses. INEXPEDIENT TO LEGISLATE**

Rep. Eric Stahl for Fish and Game: The intent of this bill is to increase the agent's fee from one dollar (\$1.00) to two dollars (\$2.00) per license issued. The majority of the committee found that the agent fee of one dollar (\$1.00) per license sold was a sufficient reimbursement for the services rendered by the agent. The license form itself is comprised of 17 different licenses and the agent receives one dollar (\$1.00) for each different license type sold. Vote 15-2.

#### **HB 388, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert F. Chabot for Health, Human Services and Elderly Affairs: This bill is basically a housekeeping bill in that the change in wording and meaning and intent is for compliance with federal statutes. The amendment was a result of subcommittee work. Vote 15-0.

#### **Amendment (0194h)**

Amend the bill by replacing section 3 with the following:

3 Transfer or Discharge of Patients. RSA 151:26 is repealed and reenacted to read as follows:  
151:26 Transfer or Discharge of Patients.

I. A facility shall not transfer or discharge a patient except for those reasons listed under RSA 151:21, V.

II. (a) Transfer or discharge of a patient shall in all instances be preceded by written notice which shall contain the following:

(1) The reason for the proposed transfer or discharge;

(2) The effective date of the proposed transfer or discharge;



(3) The location to which the patient is transferred or discharged;

(4) The name, address and telephone number of the long-term care ombudsman, established under RSA 161-F:10, and the designated agency responsible for the protection and advocacy system for a developmentally disabled or mentally ill individual;

(5) A statement which shall read: "You have a right to appeal the facility's decision to transfer or discharge you. If you think you should not have to leave this facility, you may file an appeal in superior or probate court." If the patient is in a skilled nursing facility or nursing facility certified under Title XVIII or Title XIX of the Social Security Act, the statement shall inform the patient of his or her right to request an administrative hearing before the department of health and human services. Except as specified in paragraph II(b) of this section, written notice of transfer or discharge shall be given at least 30 days before the resident is transferred or discharged. A copy of the notice shall be placed in the patient's clinical record and a copy shall be transmitted to the patient, the patient's next of kin, the patient's personal representative, legal guardian, the long-term ombudsman in the office of the ombudsman established under RSA 161-F:10, the designated agency responsible for the protection and advocacy system for a developmentally disabled or mentally ill individual, and the person or agency responsible for the patient's placement, maintenance, and care in the facility.

(b) Written notice as specified in subparagraph II(a) shall be given as soon as practicable before transfer or discharge in the following circumstances:

(1) If an emergency transfer or discharge is mandated by the patient's health care needs and is in accord with the written orders and medical justification of the patient's physician;

(2) If the transfer or discharge is mandated by the health or safety of other individuals in the facility, as documented in the patient's clinical record upon consultation with the patient's physician;

(3) If the transfer or discharge is requested by the patient or the patient's legal guardian, and notification is given to the next of kin and the person or agency responsible for the patient's placement, maintenance, and care in the facility;

(4) If the patient's health has improved sufficiently so the patient no longer needs the services provided by the facility, as documented in the patient's clinical record by the patient's physician; or

(5) If the patient has resided in the facility for less than 30 days.

(c) The basis for the transfer or discharge shall be documented in the patient's clinical record. The facility shall consult with the patient's physician prior to transferring or discharging the patient for medical reasons or for the patient's welfare or that of other patients. The documentation of the basis for the transfer or discharge shall be made by:

(1) The patient's physician if the transfer or discharge is necessary because the patient's needs cannot be met in the facility;

(2) The patient's physician if the transfer or discharge is appropriate because the patient's health has improved sufficiently so the patient no longer needs the services provided by the facility;

(3) A physician if the health of individuals in the facility would be endangered.

III. Transfer or discharge of a patient of a skilled nursing facility or nursing facility certified under Title XVIII or Title XIX of the Social Security Act shall take into account any additional rights and safeguards prescribed by the commissioner of the department of health and human services and the secretary of the United States Department of Health and Human Services.

IV. Upon notice, a patient may petition the superior or probate court to enjoin the facility's decision to transfer or discharge. This petition shall stay any transfer or discharge pending a decision.

#### **HB 479, relative to dead bodies. OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill allows persons to supply their coffins or urns in advance of death. The amendment allows their survivors to do so for them. Vote 17-0.

#### **Amendment (0167h)**

Amend the bill by replacing section I with the following:

I New Section; Vessels for Burial or Cremation. Amend RSA 290 by inserting after section 3-b the following new section:

290:3-c Vessels for Burial or Cremation. Notwithstanding any provision of law to the contrary, a person, or the person's authorized representative, may provide a coffin or urn for burial or cremation purposes.

## AMENDED ANALYSIS

This bill authorizes any person, or the person's authorized representative, to supply a coffin or urn for interment purposes.

**HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines. **OUGHT TO PASS**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The committee has learned that the present funding mechanism (federal, state and private) is in jeopardy. The vaccine program has a significant role to play in our children's health. This bill simply establishes a study committee. Vote 16-0.

**HB 357**, relative to periodic payments of judgments **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill requires the court to hold a hearing whenever the conditions of court ordered periodic payments of judgments are to be altered, unless the parties agree otherwise or no objection is filed. Vote 15-0.

## Amendment (0218h)

Amend RSA 524:6-a as inserted by section 1 of the bill by replacing it with the following:

524:6-a Periodic Payment of Judgments. Whenever judgment is rendered against any person in this state, the court in which the judgment is rendered shall either at the time of rendition of the judgment inquire of the defendant as to the defendant's ability to pay the judgment in full or, upon petition of the plaintiff after judgment, order the defendant to appear in court for such inquiry. The court may at either time order the defendant to make such periodic payments as the court in its discretion deems appropriate. If the court orders the defendant to make periodic payments at the time of rendition of judgment, the order shall not provide for payments to begin until after the appeal period has expired. Failure to make such periodic payments shall constitute civil contempt of court. The court may order the appropriate agencies to make an investigation and recommendation as to the defendant's ability to pay the judgment. The judgment may be enforced against any property of any kind of the debtor, except such property as is now exempt from attachment or execution. *If a defendant has not been found to be in contempt of court for noncompliance with an order, the court shall not review, revise, modify, suspend, or revoke the order for periodic payments except after a hearing before the court; unless the parties agree otherwise or no objection is filed.*

## AMENDED ANALYSIS

This bill requires a hearing in order for a judge to change an order for periodic payments made against a judgment debtor, unless the parties agree otherwise or no objection is filed.

**HB 377**, permitting the State of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney **OUGHT TO PASS**

Rep. Robert H. Rowe for Judiciary: This bill is a name change in the existing statute, changing one of the authorized agencies from "Office of the Ombudsman under RSA 161-F:10" to "Department of Health and Human Services". The change was made at the request of the Department of Health and Human Services and the Office of the Attorney General. No material change in the law has been made. Vote 13-2.

**HB 242**, extending the reporting deadlines for certain study committees and commissions. **OUGHT TO PASS**

Rep. Maurice E. Goulet for Legislative Administration: This is a consolidated bill to extend the reporting deadlines for the following Study Committees: 1. Priority and Funding of Projects in the 10 Year Highway Plan Study (until November 2001); 2. Relationship between Public Health and the Environment Study (until November 2002); 3. Penalties for Driving under the Influence of Liquor or Drugs Study (until November 2001); 4. Land Use Management and Farmland Preservation Study (until November 2002); and, 5. Women's Health Care Study (until November 2001). The committee found no reason not to extend the reporting deadlines. Vote 13-0.

**HB 244**, establishing a commission to examine the size, compensation, and staff requirements of the legislature. **INEXPEDIENT TO LEGISLATE**

Rep. Marsha L. Pelletier for Legislative Administration: The size, compensation, and staff requirements of the legislature are being addressed in other bills separately. The committee felt

redistricting should come before evaluating the membership of the House of Representatives. This bill spoke to reducing membership by a committee composed of members other than House Committee Members. The House Rules currently give power to the Speaker for staff requirements. Vote 13-1.

**HB 149**, naming the rest area at exit 6 on the F.E. Everett Turnpike the "Indian Head Rest Area." **INEXPEDIENT TO LEGISLATE**

Rep. Candace C. W. Bouchard for Public Works and Highways: At this time no Welcome Center (border rest area) or Information Center (interior rest area) is named. The committee understands the historic significance of the "Indian Head" symbol to the city of Nashua, but concurs the purpose of the Welcome/Information Centers are to welcome and inform visitors to the entire state, and best left generic as to not favor one community. There was also conflicting testimony from Nashua citizens as to "Indian Head" being the best name for the rest area at exit 6 on the F.E. Everett Turnpike. Vote 17-2.

**HB 254**, naming a certain bridge in the town of North Charlestown. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Gleason for Public Works and Highways: The committee felt that it is most appropriate to recognize Brigadier General Ernest A. Bixby with the naming of the bridge on route 12A (River Road) over the New England Central Railroad in the town of Charlestown in his memory. Thanks to the General's generous foresight, students in the Charlestown area currently enjoy the benefit of a scholarship fund that he provided. Vote 19-0.

**Amendment (0166h)**

Amend the title of the bill by replacing it with the following:

AN ACT naming a certain bridge in the town of Charlestown.

Amend the bill by replacing section 1 with the following:

1 The Brigadier General Ernest A. Bixby Memorial Bridge. Pursuant to RSA 4:43, the bridge located on route 12A also known as River Road, over the New England Central Railroad Bridge number 076/081, in the town of Charlestown is hereby named the Brigadier General Ernest A. Bixby Memorial Bridge in honor of Ernest A. Bixby who retired as a brigadier general in the United States Army, and left a scholarship fund for students in the Charlestown area which is active to this day.

**AMENDED ANALYSIS**

This bill authorizes the naming of a bridge located on route 12A also known as River Road in the town of Charlestown after Brigadier General Ernest A. Bixby.

**HB 321-FN**, relative to certain construction projects in Rollinsford. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth C. Shultis for Public Works and Highways: This bill requires the Department of Transportation to perform certain construction projects including the installation of a flashing yellow light before a fire station, and a sidewalk to replace a cinder path that has been removed. The committee agreed that the procedure for installing a traffic light should begin in the municipality that may have the need. Since sidewalk projects may be eligible for Federal Highway Enhancement funds, the committee recommended that this request go to the Regional Planning Commission for inclusion in 10-Year Plan requests. Vote 19-0.

**HB 421**, establishing a committee to study the procedure for sale of lands purchased with state funds. **INEXPEDIENT TO LEGISLATE**

Rep. Candace C. W. Bouchard for Public Works and Highways: The intent of the sponsor was not clear as to which lands or departments involved with land purchase proposed this committee should study. Our committee heard no testimony that the existing procedure for land purchase, as defined in RSA 4:40, was not working. Parcels being considered for sale are brought before the Council of Resources and Development for review. The review process includes sharing information about the parcel with the community, the county and the Regional Planning Commission in which the land is located. Vote 16-0.

**HB 561-FN-A**, abolishing tolls along state highways and increasing the gasoline tax. **INEXPEDIENT TO LEGISLATE**



Rep. Michael J. Rozek for Public Works and Highways: The committee found that state revenues needed to repay highway bonds would not be satisfied with a 2-cent increase in the state gasoline tax. A 2-cent increase would yield approximately \$13 million annually in revenue. The New Hampshire Highway Toll System currently collects approximately \$60 million annually. \$370 million is currently outstanding in highway bonds. The committee is waiting for the Wilbur-Smith study to be completed prior to any major changes to the NH Highway Toll System. Vote 19-0.

**HB 367-L**, relative to the establishment of a town forest in the town of Randolph. **OUGHT TO PASS**

Rep. Stanley E. Czech for Resources, Recreation and Development: This bill enables the town of Randolph to assign the management of the town forest to a management body as the town may establish. The bill also allows the town to establish a revolving fund for the management team, as outlined in the bill, to receive income from the forest and to deposit grants and gifts to be used in maintenance of the forest without having to wait for annual town meeting approval. An annual report to the town on this fund will be required. Vote 16-0.

**HB 410**, relative to the designation of a portion of the Merrimack river. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: By repealing the designation of the lower Merrimack River as a "Community River," this bill would effectively remove this river section from the Rivers Management and Protection Program (RMPP) (RSA 483). The intent of the proponents of this bill is to make this river section not subject to in-stream flow rules, now in preparation. The committee feels that the concerns with the potential in-stream flow rules are being addressed by HB 414 and HB 440, as well as by a study committee presently active. The removal of this river section from the RMPP has not been discussed with all the communities and associations that would be affected by this action. In fact, this bill would reverse the efforts of the many communities and individuals who worked to add this river section to the RMPP in 1990. Vote 16-0.

**HB 480**, relative to the divisions within the department of resources and economic development. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This legislation is the recommendation of a statutory study committee established by the 1999 legislative session. Passage of this bill will simply clarify the purpose and function of the Department of Resources and Economic Development (DRED). Specifically, the new language emphasizes the fact that each of the four divisions of DRED should be treated as integral parts of the functioning of the whole department. Vote 16-0.

**Amendment (0232h)**

Amend the bill by replacing section 1 with the following:

1 Department of Resources and Economic Development; Role of Divisions Within the Department. Amend RSA 12-A:1 to read as follows:

12-A:1 Establishment. There shall be a department of resources and economic development under the executive direction of a commissioner of resources and economic development, consisting of a division of forests and lands, a division of economic development which shall include but not be limited to subdivisions of development and promotion, a division of travel and tourism development, and a division of parks and recreation. *Its purpose shall be to ensure the efficient coordinated function of the 4 divisions, whereby the interests of economic development, protection and responsible management of natural resources, public enjoyment of state parks and forests, and promotion of travel and tourism development are each held to be of integral importance in the overall functioning of the department.*

**AMENDED ANALYSIS**

This bill describes the coordination of interests in economic development, protection of natural resources, public enjoyment of state parks and forests, and promotion of travel and tourism within the department of resources and economic development.

**HB 612**, relative to expenditures from the dam maintenance fund by the department of environmental services. **OUGHT TO PASS**



Rep. Pierre W. Bruno for Resources, Recreation and Development: The intent of this bill is to allow the Department of Environmental Services to use money from the dam maintenance fund for certain expenditures associated with repair and reconstruction of state-owned dams and property contiguous to those dams. The passage of this measure would recognize that the safe operation of a dam involves not only the dam itself, but, also the contiguous property. In addition to dam safety, HB 612 shows that the General Court recognizes that maintenance of state-owned dam sites is an integral component of the preservation of our New Hampshire heritage and character. Vote 16-0. Referred to Finance.

**HJR 3**, encouraging the preservation of the system of locks on the Merrimack River. **OUGHT TO PASS**

Rep. Pierre W. Bruno for Resources, Recreation and Development: Passage of HJR 3, encouraging the preservation of the system of locks on the Merrimack River, is a measure that demonstrates the General Court's recognition that preservation of historic structures is integral to the cultural heritage of New Hampshire. HJR 3 does not involve any expenditure. Vote 16-0.

**HB 374**, establishing a committee to study the assessment of surcharges on pay telephone use. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jacqueline A. Pitts for Science, Technology and Energy: The committee recognized that surcharges on pay telephones and proper notification of such charges is of concern to many people in the state. This bill, as amended, adds the study of these charges and all applicable regulations to the duties of the existing Telecommunication Oversight Committee. Vote 16-0.

**Amendment (0199h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to surcharges on pay telephone use.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Duties of the Oversight Committee on Telecommunications. Amend RSA 374:22-j by inserting after paragraph XV the following new paragraph:

XVI. Examining the assessment of surcharges on pay telephone use.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill adds examining the assessment of surcharges on pay telephone use to the duties of the oversight committee on telecommunications.

**HB 403**, relative to the effective date of special contracts for telephone utilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill modifies the filing requirements for special telephone services contracts. The Public Utilities Commission (PUC) and regulated telephone companies agreed that the expedited approval process provided by this legislation would benefit competition in the communications industry. The bill also provides for increased oversight by the PUC. Vote 15-0.

**Amendment (0202h)**

Amend the bill by replacing section 1 with the following:

1 Special Contracts for Telephone Utilities; Effective Date. Amend RSA 378:18-b to read as follows:

378:18-b Special Contracts; Telephone Utilities.

**I. In this section:**

(a) *"Toll service" means switched telephone calls to locations outside of the local service area of the caller, as defined in the serving telephone utility's tariffs on file with the commission.*

(b) *"Incumbent local exchange carrier" means a local exchange carrier authorized to do business in the state prior to the passage of the federal Telecommunications Act of 1996.*

*II.(a) Except as provided in RSA 378:18-b, III, any special contracts for [telephone utilities] incumbent local exchange carriers providing telephone services shall be filed with the commission and shall become effective 30 days after filing, provided the rates are set not less than:*

[E:] (I) The incremental cost of the relevant service; or

[H:] (2) Where the telephone utility's competitors must purchase access from the telephone utility to offer a competing service, the price of the lowest cost form of access that competitors could purchase to compete for customers with comparable volumes of usage, plus the incremental cost of related overhead.

*(b) The commission may, in its discretion and with reasonable explanation, extend the effective date of the special contract by 30 days.*

*III. Notwithstanding any other law to the contrary, special contracts for toll service provided by incumbent local exchange carriers need not be filed with the commission for its approval in order for the special contract to take effect. Copies of such special contracts shall be filed with the commission within 7 business days after the special contract's effective date. The commission may investigate a special contract for toll service to determine whether the rates are consistent with the cost considerations of this section. If the special contract for toll service is not consistent with the cost considerations of this section, the parties shall either cancel the special contract or agree to revise the rate.*

### AMENDED ANALYSIS

This bill modifies the filing requirements for special contracts for telephone services and the authority of the public utilities commission to review such contracts.

**HB 613**, establishing a task force relative to fuels. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: The sponsor intends to achieve the goals of this legislation through other channels including the National Council of State Legislatures and the Council of State Governments. Vote 15-0.

**HB 397**, establishing a committee to study the status of veterans in New Hampshire. **OUGHT TO PASS**

Rep. Greg A. Salts for State-Federal Relations and Veterans Affairs: This committee strongly agrees that we should establish a committee to study various issues related to veterans living in New Hampshire. With 67 different veterans organizations registered in this state, we feel that the value of a committee to aggregate resources and ideas would be of immense value to the veterans of New Hampshire. Vote 15-0.

**HCR 5**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frank C. Guinta for State-Federal Relations and Veterans Affairs: This bill, as amended, urges the federal government to consider the impacts on New Hampshire and other small states of interstate waste legislation and also would support legislation which creates incentives for each state to plan for processing and disposal of its municipal solid waste within its own borders. Official year 2000 data is not scheduled to be finalized by New Hampshire Department of Environmental Services until March 31st at which time the data is expected to reflect the decreases in waste imports. The committee agrees that this new information should be provided to the Senate at that time. The committee unanimously supports this resolution. Vote 16-0.

### Amendment (0186h)

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That New Hampshire's congressional delegation and the federal government are strongly urged to consider the impacts on and the needs of the smaller states, such as New Hampshire, when dealing with interstate waste legislation; and

Amend the resolution by deleting the third paragraph after the resolving clause.

### AMENDED ANALYSIS

This house concurrent resolution urges the federal government and New Hampshire's congressional delegation to:

I. Consider the impacts on and the needs of the smaller states when dealing with interstate waste legislation.

II. Propose and support legislation which creates incentives for each state to plan for processing and disposal of its municipal solid waste within its own borders.

**HCR 7**, urging the federal government to allow a deduction for personal credit card interest from the federal income tax. **OUGHT TO PASS**

Rep. Pamela Saia for State-Federal Relations and Veterans Affairs: Prior to the Tax Reform Act of 1986, personal credit card interest was fully deductible on an individual's federal income tax return. The deduction was phased out over a period of 5 years and then eliminated by this Act. The reason for the deduction elimination was to raise revenue for the federal government. Since our federal government is currently dealing with a surplus and the raising of extra revenue is no longer needed, we feel that a tax deduction for credit card interest is appropriate and beneficial. Vote 13-2.

**HCR 9**, urging the President of the United States to increase the administration's efforts to mediate a peaceful resolution to the dispute in Cyprus between Turkey and the Republic of Cyprus. **ought to pass with amendment**

Rep. Matthew J. Quandt for State-Federal Relations and Veterans Affairs: The committee feels that a resolution of the conflict between the Greek Cypriots and the Turkish Cypriots is important to many New Hampshire citizens. We feel that the United States should encourage the factions to resolve their differences and adhere to the United Nations Security Council resolutions. Vote 16-0.

### **Amendment (0191h)**

Amend the resolution by replacing all after the title with the following:

Whereas, in 1974, Turkey sent armed forces to Cyprus and occupied over 36 percent of the land, creating widespread displacement of Greek Cypriots from the northern part of the island; and

Whereas, the international community and the United States Government have repeatedly called for the speedy withdrawal of all foreign forces from Cyprus; and

Whereas a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey; and

Whereas the attention of the world will be focused on this region when the Olympics are held in Greece in 2002; and

Whereas United Nations Security Council Resolutions 1250 and 1251, adopted on June 26, 1999, and June 29, 1999, respectively, provided parameters for a solution and were supported by the United States; and

Whereas Resolution 1250 reaffirms all its earlier resolutions on Cyprus, particularly Resolution 1218 of December 22, 1998, and

Whereas Resolution 1251 reaffirms that the status quo is unacceptable and that negotiations on a final political solution to the Cyprus problem have been at an impasse for too long; and

Whereas Resolution 1251 also reiterates the United Nations' position that a Cyprus settlement must be based on a state of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising 2 politically equal communities as described in the relevant United Nations Security Council resolutions, in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession; and

Whereas, despite such resolutions, over 30,000 Turkish armed forces remain stationed on the island of Cyprus with no substantial progress toward the establishment of an independent, bi-communal federation; and

Whereas efforts by the United Nations and the United States to resolve this dispute remain unsuccessful; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby urges the President of the United States to increase the administration's efforts in mediating a peaceful resolution to the dispute in Cyprus; and

That the general court of New Hampshire hereby urges the President of the United States to persuade Turkey to comply with United Nations Security Council resolutions addressing Cyprus and to cooperate fully in achieving lasting peace and independence for the republic of Cyprus; and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the New Hampshire Congressional delegation, the President of the Republic of Cyprus, the American Ambassador to Cyprus, the Cypriot Ambassador to the United States, and the Turkish Ambassador to the United States.



**HB 460-FN**, relative to the form of drivers' licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: New Hampshire already has one of the strictest privacy laws concerning the information on licenses. The prime sponsor was concerned about the public having access to home addresses. Law enforcement wants the home address maintained. There was no evidence that anyone has abused the home address data. You can get a picture identification from the Department of Motor Vehicles for identification purposes now and no address is listed. Vote 14-1.

**COMMITTEE REPORTS****REGULAR CALENDAR****HB 405**, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. **OUGHT TO PASS**

Rep. Laura C. Pantelakos for Children and Family Law: This bill establishes a committee to study the Minnesota at-home infant child care program and solicit such information from program administrators as may be helpful in assessing the program. The committee will review program structure, department administration and funding sources. A report will be due on or before November 1, 2001. Vote 12-4.

Rep. Furman spoke against.

Reps. Donald White and Lyman spoke in favor.

Adopted and ordered to third reading.

**HB 545-FN**, establishing the railroad trespass prevention act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl, Jr. for the Majority of Criminal Justice and Public Safety: This bill establishes the crime of trespass on railroad property. The bill provides a clearer definition of the authority of local police in these matters. It adds the crime of railroad stowaway and defines the terms utilized in the new section. With the advent of high speed rail to NH (59-79 mph) the potential for fatalities is greatly increased, due to the higher speed and reduced noise. It takes more than 1 mile to stop a loaded train traveling at 35 mph. It has been years since railroad service has been common in NH and whole generations have been unaware of the dangers of utilizing railroad property as a playground or means of travel. The majority of the committee felt that this is a safety issue. Vote 11-3.

Rep. James R. Splaine for the Minority of Criminal Justice and Public Safety: Private trespass laws already apply to rail lines. We need not tag rail track walkers taking an evening stroll with their dog or cat as criminals.

Rep. Welch moved Recommit to Committee and spoke in favor.

Adopted.

Recommitted to Criminal Justice and Public Safety.

Rep. Leishman declared a conflict of interest and did not participate.

**CACR I**, relating to the rate of taxation of a tax dedicated to funding an adequate education. Providing that a two-thirds vote of the house of representatives and the senate shall be required to increase the rate of taxation of a tax dedicated to funding the state's obligation to provide an adequate education from the rate initially established. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Finance: The committee believes that the CACR as proposed is flawed and perhaps premature in concept. There was concern that a majority vote could be taken to undedicate a tax, increase it, and then re-dedicate the newly-increased tax. Vote 21-0.

Adopted.

**HB 189-FN**, increasing the facility funding limits under the oil discharge and disposal cleanup fund. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill increases from \$1,000,000 to \$1,500,000 the amount that eligible owners of facilities may apply for from the oil discharge and disposal cleanup fund created in 1988. This fund, created by fees on motor fuels (gasoline and diesel), is extremely successful as both an environmental cleanup and insurance program. It is available to corporations, small business owners, and individuals and state, county and local governments. It is necessary to broaden the amount of coverage due to increasing costs of cleanup, particularly anticipated MTBE remediation projects. Vote 19-0.

Adopted and ordered to third reading.



**HB 286-FN-L**, relative to the calculation of the adequate education grant amount. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: This bill requires that the average daily membership in residence component of the adequate education grant amount be calculated on an annual basis. The committee felt that although the intent of this bill is laudable it does not fit well with the budgetary process and is premature to the whole educational funding discussion. Vote 21-0.

Reps. Sapareto and Mirski spoke against.

Reps. Wheeler and Kurk spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 252 NAYS 100****YEAS 252****BELKNAP**

Dewhirst, Glenn	Holbrook, Robert	Johnson, William	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Quimby, Lee	Stevens, Stanley

**CHESHIRE**

Allen, Peter	Avery, Stephen	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Espiefs, Peter	Fairbanks, Chandler	Hunt, John
Manning, Joseph	McGuirk, Paul	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Pratt, Leighton	Rozek, Michael	Stohl, Eric
Tholl, John Jr			

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Benn, Bernard
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Marshall, Gene
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scanlan, David
Scovner, Nancy	Sokol, Hilda	Teschner, Douglass	Ward, Brien

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergin, Peter	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Clayton, William	Clegg, Robert Jr
Clemons, Jane	Coughlin, Pamela	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Foster, Linda	Furman, Christine	Gargasch, Carolyn	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Jean, Claudette	Jean, Loren
Johnson, Lionel	Kacavas, John	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Martel, Andre
Martin, Mary Ellen	McDonough-Wallace, Alice	Mercer, Robert	Moran, Edward

Movsesian, Lori  
 Pepino, Leo  
 Sargent, Maxwell  
 Spiess, Paul  
 Wheeler, Robert

Palangas, Eric  
 Peterson, Andrew  
 Schulze, Joan  
 Sweeney, Cynthia  
 White, John

Panagopoulos, Nicholas  
 Reeves, Sandra  
 Shaw, Barbara  
 Tahir, Saghir  
 Williams, Carol

Pappas, Marc  
 Rowe, Robert  
 Souza, Kathleen  
 Thulander, O Alan

### MERRIMACK

Anderson, Eric  
 Cummings, Raymond  
 Feuerstein, Martin  
 Gile, Mary  
 Jacobson, Alf  
 Maxfield, Roy  
 Reardon, Tara  
 Whalley, Michael

Brewster, Richard  
 Daneault, Gabriel  
 Fraser, Leo Jr  
 Greco, Vincent  
 Leber, William  
 Moore, Carol  
 Rush, Deanna

Clarke, Claire  
 Davis, Frank  
 Fraser, Marilyn  
 Hess, David  
 Lockwood, Priscilla  
 Owen, Derek  
 Swindlehurst, John

Colcord, J D  
 Dunne, Christopher  
 French, Barbara  
 Hutchinson, John  
 MacKay, James  
 Potter, Frances  
 Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
 Bridle, Russell  
 Clark, Vivian  
 Dearborn, Bruce  
 Francoeur, Sheila  
 Gleason, John  
 Johnson, Robert  
 Kobel, Rudolph  
 McKinney, Betsy  
 Norelli, Terie  
 Priestley, Anne  
 Stone, Joseph  
 Zolla, William

Belanger, Ronald  
 Carson, Sharon  
 Coes, Betsy  
 Dowling, Patricia  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Johnson, Rogers  
 Langone, John  
 Micklon, Stephanie  
 Nowe, Ronald  
 Shultis, Elizabeth  
 Stritch, C Donald

Bishop, Franklin  
 Case, Margaret  
 Cooney, Richard  
 Downing, Michael  
 Gilbert, Karl  
 Hamel, Albert  
 Katsakiores, George  
 Major, Norman  
 Moore, Benjamin  
 Pantelakos, Laura  
 Sloan, Stephen  
 Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
 Clark, Martha Fuller  
 Dalrymple, Janeen  
 Flanders, John Sr  
 Giordano, Ronald  
 Holland, James Jr  
 Kelley, Jane  
 McGuire, Robert  
 Morse, Charles  
 Pitts, Jacqueline  
 Splaine, James  
 Weyler, Kenneth

### STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Wall, Janet

Brennan, William  
 Estabrook, Iris  
 Knowles, William  
 Proulx, Raymond  
 Spang, Judith  
 Woods, Phyllis

Brown, Julie  
 Hughes, Christopher  
 McCarthy, Gerald  
 Reid, Christopher  
 Tsiros, William

DeChane, Marlene  
 Johnson, Nancy  
 Musler, George  
 Rollo, Michael  
 Twombly, James

### SULLIVAN

Allison, David  
 Harris, Joseph  
 Rodeschin, Beverly

Burling, Peter  
 Leone, Richard

Cloutier, John  
 Phinizz, James

Flint, Gordon Sr  
 Robb, Amy

### NAYS 100

### BELKNAP

Bartlett, Gordon  
 Rosen, Ralph

Boyce, Laurie  
 Wood, Jane

Czech, Stanley

Lawton, David

### CARROLL

Kenney, Joseph

Philbrick, Donald

Sullivan, P Judith

### CHESHIRE

Batchelder, Robert  
 Weed, Charles

Emerson, Susan  
 Zerba, Roger

Meador, David

Pratt, John

### COOS

Landers, Dana

Rodrigue, Robert

Woodward, David

**GRAFTON**

Almy, Susan	Cobb, John	Gabler, William	Gilman, G Michael
Giuda, Robert	Ham, Bonnie	Lovett, Sid	Mirski, Paul
Sova, Charles	Williams, Burton		

**HILLSBOROUGH**

Arnold, Thomas Jr	Balboni, Michael	Bergeron, Jean-Guy	Christiansen, Lars
Cote, Peter	Desrosiers, William	Dionne, Kimberley	Eaton, Richard
Flora, Kathleen	Ginsburg, Ruth	Hall, Betty	Hopper, Gary
Keye, Harvey	LaFlamme, Paul	Lynde, Harold	McHugh, Claire
McRae, Karen	Melcher, Harold	Messier, Irene	Milligan, Robert
Salts, Greg	Seibel, Christopher	Thompson, Rob	Vaillancourt, Steve
White, Donald			

**MERRIMACK**

Bouchard, Candace	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Perkins, Randy	Poulin, David	Soltani, Tony	Winter, Steven

**ROCKINGHAM**

Bowles, Raimond	Camm, Kevin	Chalbeck, Kevin	Corbin, Corey
DiFruscia, Anthony	Fesh, Bob	Introne, Robert	Katsakiores, Phyllis
Kelley, William	Langley, Jane	Letourneau, Robert	Packard, Sherman
Palermo, Diane	Power, Lucille	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Trueman, Raymond	Varrell, Thomas	Welch, David
Whittier, John	Woekel, Ralph		

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Ferland, Paul
Goodwin, Earle	Harrington, Michael	Lent, Donald	Snyder, Clair
Woodill, Rodney			

**SULLIVAN**

Ferland, Brenda	Franklin, Peter	Jones, Constance	Odell, Bob
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and the report was adopted.  
Rep. Emerson voted nay and intended to vote yea.

**HB 291-FN-L, revising the procedure for determining the cost of an adequate education. INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: This bill assumes that the cost of an adequate education is \$825,000,000. The cost of an adequate education is currently \$881,000,000, is still in flux, and may change during this session.

The committee concluded that any long-term inflexible formula involving a cap on education adequacy does not allow for population increases, inflation, the cost of commodities and utilities, the needs of staff and students – in essence, the educational needs of a community.

Moreover, the committee saw no mechanism for distributing these capped funds and does not believe that the legislation would pass the constitutional challenge that it invites. The bill would also remove the current stability in preparing municipal and school budgets that they have to date enjoyed. Vote 20-1.

Rep. Pepino spoke against.

Rep. Stone spoke in favor and yielded to questions.

Rep Pepino requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 296 NAYS 55****YEAS 296****BELKNAP**

Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	Wood, Jane

**CARROLL**

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley			

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Fairbanks, Chandler	Hunt, John	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Royce, H Charles	Smith, Edwin	Weed, Charles
Zerba, Roger			

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Gabler, William
Gilman, G Michael	Ham, Bonnie	Marshall, Gene	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Sova, Charles	Teschner, Douglass	Ward, Brien
Williams, Burton			

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Coughlin, Pamela	Craig, James
Daigle, Robert	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Foster, Linda	Furman, Christine	Gargasch, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Graham, John	Guinta, Frank	Hall, Betty	Hall, Charles
Holden, Randolph	Hopper, Gary	Jean, Claudette	Johnson, Lionel
Kacavas, John	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Leach, Edward
Leishman, Peter	Lessard, Rudy	Lynde, Harold	Martel, Andre
Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold	Mercer, Robert
Messier, Irene	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Spieess, Paul	Sweeney, Cynthia	Thulander, O Alan	Wheeler, Robert
White, John	Williams, Carol		



**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hess, David
Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, David	Reardon, Tara
Rush, Deanna	Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Bridle, Russell	Carson, Sharon	Case, Margaret
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Holland, James Jr	Introne, Robert
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langone, John	Letourneau, Robert	Major, Norman
McGuire, Robert	Micklon, Stephanie	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Ronald	Pantelakos, Laura	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rausch, James	Saia, Pamela
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Stone, Joseph
Stritch, C Donald	Weatherspoon, Jacquelyne	Weyler, Kenneth	Whittier, John
Woelkel, Ralph	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Ferland, Paul	Goodwin, Earle	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Musler, George	Pelletier, Arthur	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Tsiros, William	Twombly, James	Wall, Janet	Woodill, Rodney
Woods, Phyllis			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Leone, Richard
Odell, Bob	Phinzy, James	Robb, Amy	Rodeschin, Beverly

**NAYS 55****BELKNAP**

Bartlett, Gordon

**CARROLL**

Dickinson, Howard      Sullivan, P Judith

**CHESHIRE**

Roberts, William

**COOS**

None

**GRAFTON**

Alger, John	Cobb, John	Giuda, Robert	Lovett, Sid
Mirski, Paul			

**HILLSBOROUGH**

Arnold, Thomas Jr	Balboni, Michael	Christiansen, Lars	Cote, Peter
Desrosiers, William	Gonzalez, Carlos	Greenberg, Gary	Herman, Keith
Jean, Loren	Keye, Harvey	McHugh, Claire	McRae, Karen
Milligan, Robert	Moran, Edward	Pappas, Marc	Salts, Greg
Souza, Kathleen	Tahir, Saghir	Thompson, Rob	Vaillancourt, Steve
White, Donald			

**MERRIMACK**

Kennedy, Richard	Langer, Ray	Perkins, Randy	Soltani, Tony
Winter, Steven			

**ROCKINGHAM**

Camm, Kevin	Chalbeck, Kevin	Fesh, Bob	Johnson, Rogers
Kelley, William	Langley, Jane	McKinney, Betsy	Packard, Sherman
Palermo, Diane	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Ruffner, Walter	Sapareto, Frank	Trueman, Raymond	Varrell, Thomas
Welch, David			

**STRAFFORD**

Albert, Russell	Harrington, Michael
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**SULLIVAN**

Jones, Constance  
 and the report was adopted.  
 Rep. Greenberg voted nay and intended to vote aye.  
 Rep. Pepino voted aye and intended to vote nay.

**HB 310-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. **OUGHT TO PASS**

Rep. Linda T. Foster for Finance: This bill continues the medicaid enhancement tax for the biennium ending June 30, 2003. This tax will generate approximately \$70 million in general fund revenues each year of the upcoming biennium. There is no change in rate from the current biennium. Vote 19-0.

Adopted

Referred to the Committee on Ways and Means.

**HB 351-FN-A-L**, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. **OUGHT TO PASS**

Rep. O. Alan Thulander for Finance: The Department of Education estimates the funding level of school building aid needed for the biennium, based upon information received from the school districts involved in construction projects. This data is subject to adjustments. The estimate for FY2001 was \$19.5 million, but the final amount owed to school districts was \$21.5 million. The legislature has historically funded any shortfall in school building aid, and the committee recommends continuing this practice. The additional \$2 million appropriated under this bill will come from the projected surplus of the current biennium. Vote 21-0.

Adopted and ordered to third reading.

**HB 536-FN-A-L**, making an appropriation to the town of Conway for the purpose of burying utility lines. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: This bill makes an appropriation to the town of Conway for the purpose of burying utility lines. The funds are to be non-lapsing. The committee felt that from a fiscal point of view both the PUC and the Department of Transportation have denied this aspect of the project and dealt with Conway consistently with state policy. As a result, the committee voted unanimously Inexpedient to Legislate. Vote 19-0.

Adopted.

**HB 345**, requiring hospitals to maintain permanent medical records of stillborn infants. **INEXPEDIENT TO LEGISLATE**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: After careful deliberation and much testimony, the committee overwhelmingly came to the conclusion that hospitals currently maintain records of fetal demise and stillborn births for an average of one year in length. If a parent requests a record, a handwritten record is provided to them. The record is also on file at the Bureau of Vital Records and, in many cases, at the funeral directors office if one was utilized. In New Hampshire, a record of all births and deaths are also kept in file at the local town hall. Because a record is somewhere on file and a copy can be obtained under current statutes, the committee felt this bill was not necessary. Vote 11-2.

Adopted.

**HB 350-FN**, relative to persons with disabilities participating in the work incentive program. **OUGHT TO PASS**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: In 1999 the legislature directed the Health and Human Services Department to investigate how to create better options for that segment of the population with severe disabilities who currently qualify for Medicaid cash assistance and insurance coverage. This Medicaid program, as good as it is, also acts as a disincentive for the person to seek employment. Should one of these persons get a job, they automatically lose their personal care insurance. Through this process, the state is saying, "If you stay home, we will send you a check and pay for your insurance." This bill allows the individual to make plans, set goals, regain their dignity and become a working member of our society. The person with disabilities, once gainfully employed, will pay part of the insurance premium that was once no cost to them. In addition, the person now becomes a part of our taxpaying society and all look forward to sharing in that great American principle. In life, a waste of time is the most extravagant and costly of all expense. Vote 18-0.

Adopted.

Referred to Finance.

**HB 406**, prohibiting electro-convulsive therapy on children under 16 years of age. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill would prohibit use of certain treatments including electro-convulsive therapy for children under 16. The committee heard testimony from those concerned about the misuse of these treatments in the past. The committee also heard from physicians who described how ECT is used by modern medicine as a last resort when other alternatives are ineffective. The committee determined that adequate safeguards are in place to ensure that the treatments described in the bill are only used when necessary and appropriate and only with informed consent. Medical decisions regarding treatments described in the bill should be made by patients, their families and health professionals. For those reasons, the committee thought the bill inappropriate. Vote 14-1.

Rep. Albert spoke against.

Reps. Burnham and MacKay spoke in favor and yielded to questions.

Adopted.

**HB 463-FN**, relative to protective services to adults. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: The language in the statute protecting the elderly and certain others from exploitation, neglect or abuse, uses the term "incapacitated." "Incapacitated" as defined elsewhere in our laws has meanings other than what is intended in the adult protection section. For that reason, the more appropriate term "vulnerable" is proposed by this bill. In addition, immunity from liability is given to those who provide certain information regarding a case. The amendment clarifies requirements to report to law enforcement and corrects a minor typing error. Vote 13-0.

Rep. Batula moved Re-commit to Committee and spoke in favor.

Adopted.

Recommitted to Health, Human Services and Elderly Affairs.

**HB 485**, relative to physicians employed by hospitals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill, as amended, will prevent hospitals and insurers from channeling patient referrals only to the hospital which employs the physician who provided the initial services. For example, some hospitals required their employee

physicians to only refer patients to certain specialists who then only do future treatments such as operations at the hospital employing the initial physician. Many times the same system is used for referral of ancillary services, such as physical therapy, radiation treatments, laboratory tests and so on. This is often at the expense of the convenience of the patient. It also totally takes away the choice of provider to people who pay cash or pay significantly extra premiums to be able to use out-of-network physicians and services. This clearly is a patient's protection piece of legislation, as well as a means to prevent the potential of anti-trust or monopolistic practices of any hospital. Vote 10-6.

#### **Amendment (0216h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Physicians Employed by Hospitals. Amend RSA 329 by inserting after section 31 the following new section:

329:32 Physicians Employed by Hospitals; Prohibition. A hospital, required to be licensed under RSA 151, shall not require any physician employed by it to refer only to other physicians who use the hospital's facilities for surgeries and ancillary procedures.

#### **AMENDED ANALYSIS**

This bill prohibits a hospital from requiring physicians employed by it to refer only to other physicians who use the hospital's facilities for surgeries and ancillary procedures.

Adopted.

Report adopted and ordered to third reading.

**HB 202**, relative to the legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT** Rep. Donald R. Philbrick for Legislative Administration: This bill makes several changes in RSA 14-B concerning membership, procedures and the attempts to balance the protection of the member and the public's right-to-know law. It establishes procedures from an initial review to determine if the committee has jurisdiction and if the complaint is without merit or unfounded. After the initial review is completed, all records other than work product and internal memoranda will be available for public inspection on any complaint it does not dismissed. All subsequent proceedings, other than deliberations, will be in public session. With respect to disciplinary action against a member, the committee may recommend one or more of the following: A) Reprimand; B) Censure; C) Expulsion from Senate or House of Representatives; D) Denial or limitation of any right, power, privilege or immunity of the legislature that the Constitution of New Hampshire permits the General Court to deny or limit. Before any action is taken against a legislator or officer of the legislature, the report must be ratified by the legislators' respective body. The amendment reversed the order of reprimand and censure and deleted a controversial assessment of related costs of the proceedings. It also changes the effective date to upon passage. Vote 14-0.

#### **Amendment (0082h)**

Amend RSA 14-B:3, II as inserted by section 3 of the bill by replacing it with the following:

II. Before guidelines or amendments thereto become effective, the committee shall distribute such guidelines or amendments to the members of the senate and the house of representatives. Specific guidelines or amendments shall be brought to a vote and approved by a majority vote of both houses within a period of 3 legislative days after distribution before they shall become effective. Amend RSA 14-B:4, VIII(d)(1) and (2) as inserted by section 4 of the bill by replacing it with the following:

(d)(I) There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on legislative facilities in the case of an employee of the legislature, except in the case of an employee of the legislature employed by the legislative budget assistant, in which case the formal disciplinary action shall be taken by the fiscal committee of the general court. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, to the joint committee on legislative facilities in the case of an employee of the legislature, or to the fiscal committee of the general court in the case of an employee of the legislature employed by the legislative budget assistant, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations



concerning disciplinary actions to be imposed. [~~Such recommendations may include reprimand, censure, or expulsion.~~] *With respect to any recommendations for disciplinary actions against a legislator, the committee may recommend one or more of the following:*

(A) *Reprimand.*

(B) *Censure.*

(C) *Expulsion from the senate or house of representatives.*

(D) *Denial or limitation of any right, power, privilege, or immunity of the legislator that the constitution of New Hampshire permits the general court to deny or limit.*

(2) Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. *Such ratification need not occur during the biennium in which the complaint was submitted, but may be considered and acted upon by the general court in the next succeeding session; provided that no action shall be taken against an individual who is no longer a member of the general court.*

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 337-FN**, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald B. White for Science, Technology and Energy: This bill makes the position of Executive Director unclassified. This allows the Public Utilities Commission (PUC) to make the position more attractive with respect to remuneration so as to attract better-qualified people. The bill also increases the salary grade of the PUC General Counsel for the same reason. The bill changes the restriction or employment prohibition from two to one years, consistent with the state administration's ethics rule. The bill also allows alteration of orders made in cases where no public hearing was required by law, and it deletes a requirement of PUC oversight of removal of railroad lines since this is no longer the PUC's responsibility. Vote 14-1.

#### Amendment (0217h)

Amend RSA 363:12-b as inserted by section 3 of the bill by replacing it with the following:

363:12-b Prohibition on Future Employment. No commissioner, executive director, finance director, general counsel, [~~ombudsman~~] or chief engineer of the commission shall accept any employment with any utility under the control of the commission until [~~2 years~~] *one year* after he or she shall become separated from the commission.

Amend RSA 365:28 as inserted by section 5 of the bill by replacing it with the following:

365:28 Altering Orders. At any time after the making and entry thereof, the commission may, after notice and hearing, alter, amend, suspend, annul, set aside, or otherwise modify any order made by it. *This hearing shall not be required when any prior order made by the commission was made under a provision of law that did not require a hearing and a hearing was, in fact, not held.*

#### AMENDED ANALYSIS

This bill:

- I. Establishes the unclassified position of executive director of the public utilities commission.
- II. Increases the salary grade for the general counsel of the public utilities commission.
- III. Permits the public utilities commission to exempt water companies with less than 75 consumers.
- IV. Reduces the public utilities commission future employment prohibition from 2 years to one year.
- V. Provides that a hearing shall not be required prior to alteration of an order made by the public utilities commission pursuant to a provision of law not requiring a hearing.
- VI. Repeals the requirement that the public utilities commission approve the tearing up or removal of railroad lines.

Adopted.

Rep. Jeb Bradley yielded to questions.

On a division vote, 240 members having voted in the affirmative and 112 in the negative, the committee report was adopted.

Referred to Executive Departments and Administration.

**HCR 6**, urging New Hampshire to use the “precautionary principle” when determining the safety and feasibility of using products, techniques, and technologies. **INEXPEDIENT TO LEGISLATE** Rep. Terie T. Norelli for Science, Technology and Energy: The “precautionary principle” has been introduced by environmental groups in Europe. The language appears in several treaties. The principal calls for using precaution prior to introducing any substance into the environment, which might have a harmful impact. The committee was very mindful of the sponsor’s goal in introducing this resolution, which would have applied to activities undertaken by the state. Nevertheless, the committee was concerned that adhering to the principal would be difficult, as it is vague. The Department of Environmental Services (DES) and the Department of Health and Human Services testified against the bill. Furthermore, DES has adopted policies over the years designed to prevent pollution. Vote 16-0.

Reps. Owen and Betty Hall spoke against and yielded to questions.

Reps. Jeb Bradley and Harrington spoke in favor.

Rep. Owen requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 286 NAYS 67

### YEAS 286

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Lawton, David	Millham, Alida	Nedea, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	Wood, Jane

#### CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith		

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Roberts, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	

### COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Dudley, Terri	Gabler, William
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris

Christiansen, Lars  
Coughlin, Pamela  
Dwyer, Paul  
Emerton, Lawrence Sr  
Foster, Linda  
Golding, William  
Graham, John  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Lefebvre, Roland  
Martel, Andre  
Melcher, Harold  
Palangas, Eric  
Rowe, Robert  
Shaw, Barbara  
Thompson, Rob  
White, Donald

Clayton, William  
Daigle, Robert  
Dyer, Merton  
Fields, Dennis  
Furman, Christine  
Goley, Jeffrey  
Greenberg, Gary  
Holden, Randolph  
Kacavas, John  
LaFlamme, Paul  
Leishman, Peter  
McDonough-Wallace, Alice  
Mercer, Robert  
Pappas, Marc  
Salts, Greg  
Souza, Kathleen  
Thulander, O Alan

Clegg, Robert Jr  
Dionne, Kimberley  
Eaton, Richard  
Fletcher, Richard  
Gargas, Carolyn  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
Konys, Christine  
LaRose, Richard  
Lessard, Rudy  
McHugh, Claire  
Milligan, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Spiess, Paul  
Vaillancourt, Steve

Cote, Peter  
Dokmo, Cynthia  
Elliott, Larry  
Flora, Kathleen  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Kurk, Neal  
Leach, Edward  
Lynde, Harold  
McRae, Karen  
Moran, Edward  
Reeves, Sandra  
Seibel, Christopher  
Tahir, Saghir  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Greco, Vincent  
L'Heureux, Stephen  
MacKay, James  
Rush, Deanna  
Whalley, Michael

Brewster, Richard  
Davis, Frank  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Soltani, Tony  
Winter, Steven

Colcord, J D  
Feuerstein, Martin  
Hess, David  
Leber, William  
Poulin, David  
Swindlehurst, John

Cummings, Raymond  
Fraser, Leo Jr  
Hutchinson, John  
Lockwood, Priscilla  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
Bowles, Raimond  
Case, Margaret  
Cooney, Richard  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McKinney, Betsy  
Norelli, Terie  
Pantelakos, Laura  
Quandt, Marshall  
Saia, Pamela  
Trueman, Raymond  
Whittier, John

Belanger, Ronald  
Bridle, Russell  
Chalbeck, Kevin  
Corbin, Corey  
Downing, Michael  
Gilbert, Jeffrey  
Hamel, Albert  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Micklon, Stephanie  
Nowe, Ronald  
Pitts, Jacqueline  
Quandt, Matthew  
Sloan, Stephen  
Varrell, Thomas  
Woekel, Ralph

Bishop, Franklin  
Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Holland, James Jr  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Priestley, Anne  
Rausch, James  
Stone, Joseph  
Welch, David  
Zolla, William

Blanchard, MaryAnn  
Carson, Sharon  
Coes, Betsy  
Dearborn, Bruce  
Flanders, John Sr  
Gleason, John  
Introne, Robert  
Katsakiores, Phyllis  
Langley, Jane  
McGuire, Robert  
Morse, Charles  
Palermo, Diane  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Cossette, Larry  
Goodwin, Earle  
Knowles, William  
Rollo, Michael  
Wall, Janet

Berube, Roger  
Dunlap, Patricia  
Harrington, Michael  
Lent, Donald  
Smith, Marjorie  
Woods, Phyllis

Bickford, David  
Estabrook, Iris  
Hughes, Christopher  
Musler, George  
Tsiros, William

Brown, Julie  
Ferland, Paul  
Kaen, Naida  
Reid, Christopher  
Twombly, James

### SULLIVAN

Allison, David  
Harris, Joseph  
Rodeschin, Beverly

Burling, Peter  
Jones, Constance

Ferland, Brenda  
Leone, Richard

Flint, Gordon Sr  
Odell, Bob

## NAYS 67 BELKNAP

Johnson, William

## CARROLL

Dickinson, Howard

## CHESHIRE

Allen, Peter  
Pratt, IreneBatchelder, Robert  
Richardson, BarbaraBurnham, Daniel  
Weed, Charles

Espiefs, Peter

## COOS

None

## GRAFTON

Benn, Bernard  
Sokol, Hilda

Eaton, Stephanie

Lovett, Sid

Scovner, Nancy

## HILLSBOROUGH

Baroody, Benjamin  
Drabinowicz, A Theresa  
Keye, Harvey  
Movsesian, Lori  
Sweeney, CynthiaClemons, Jane  
Gorman, Mary  
Lasky, Bette  
Panagopoulos, Nicholas  
White, JohnCraig, James  
Hall, Betty  
Martin, Mary Ellen  
Pepino, Leo  
Williams, CarolDesrosiers, William  
Jean, Claudette  
Messier, Irene  
Schulze, Joan

## MERRIMACK

Bouchard, Candace  
French, Barbara  
Moore, CarolClarke, Claire  
Gile, Mary  
Owen, DerekDunne, Christopher  
Jacobson, Alf  
Potter, FrancesFraser, Marilyn  
Kennedy, Richard  
Rodd, Beth

## ROCKINGHAM

Clark, Martha Fuller  
Sapareto, FrankDiFruscia, Anthony  
Shultis, ElizabethGiordano, Ronald  
Splaine, JamesPower, Lucille  
Weatherspoon, Jacquelyne

## STRAFFORD

Brennan, William  
McCarthy, Gerald  
Spang, JudithDeChane, Marlene  
Pelletier, Arthur  
Woodill, RodneyGilmore, Gary  
Proulx, RaymondJohnson, Nancy  
Snyder, Clair

## SULLIVAN

Cloutier, John  
and the report was adopted.

Franklin, Peter

Phinizy, James

Robb, Amy

**HB 333-FN-A**, relative to the rate of the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert J. Giuda for Ways and Means: The Ways & Means Committee felt it was necessary to evaluate all tax changes in the larger context of the entire budget and revenue debate. The Real Estate Transfer tax provides approximately \$65 million to the General Fund and \$26.8 million to the Education Trust Fund. Accordingly, the committee felt it was appropriate to leave the Real Estate Transfer tax as is, particularly in light of the fact that the committee has numerous other pending bills to which this matter can be appended by amendment. Vote 16-0.  
Adopted.

**HR 6**, recognizing the ancient and aboriginal claim of Indians in the state to hunt and fish. **INEXPEDIENT TO LEGISLATE**

Rep. Gary S. Hopper for Fish and Game: After careful consideration the committee felt that to recognize special hunting and fishing rights of the aboriginal peoples would be inconsistent with Article I of the New Hampshire Constitution. As New Hampshire has no recognized tribe, a



workable method to determine who was or wasn't a Native American and the problem of enforcement were major concerns. Furthermore, any such acknowledgement could only serve to divide our citizens. Vote 15-1.

Rep. Kenney spoke against.

Rep. McKinney spoke in favor.

On a division vote, 257 members having voted in the affirmative and 84 in the negative, the report was adopted.

**HJR 2**, directing the department of transportation not to proceed with construction of a new visitor's center at the Intervale scenic vista in North Conway without approval of the Conway design review committee and the Conway board of selectmen. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: This resolution would require the New Hampshire Department of Transportation (NHDOT) to seek approval of an unofficial committee in a local community. The NHDOT conducted public hearings and held meetings with town and regional officials to review the initial design of the new visitor's center. The design had major problems relative to the size and height of the proposed structure. The NHDOT acknowledged these issues and gave testimony that the NHDOT would satisfy these issues in question prior to any construction. The committee has heard no other evidence that the current hearing process is not working and concluded that the NHDOT did follow the established protocol. Vote 18-0.

Rep. Leber yielded to questions.

Adopted.

**HB 583**, making certain changes to the underground utility damage prevention system. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: This bill exempts certain landscaping and maintenance from the definition of "excavate" and from the notification requirements under the so-called "Dig Safe" Law. The bill also exempts the homeowner excavating on his or her property from civil penalties and also clarifies the responsibilities of the operator relative to the marking of facilities for purposes of complying with the dig safe provisions. Vote 16-0.

#### Amendment (0198h)

Amend the bill by replacing section 1 with the following:

I Definitions; Excavate; Exclusions. Amend RSA 374:48, III to read as follows:

III. "Excavate", "excavating", or "excavation" means any operation conducted in a public way, right-of-way, easement, public street, or other public place, in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence or sign post installation, pile driving, wrecking, razing, rendering, or moving any structure or mass material, but does not include the tilling of soil for agricultural purposes, *landscaping and maintenance of residential property performed with non-mechanized equipment, landscaping activities performed with mechanized equipment that are intended to cut vegetation, including lawn edging, aeration, and de-thatching, excavations permitted or grandfathered under RSA 155-E*, or replacement of department-of-transportation-installed delineator posts in the same location.

Amend the bill by replacing section 3 with the following:

3 Notification by Excavator; Limitation. Amend RSA 374:51, I to read as follows:

I. No person shall perform an excavation *within 100 feet of an underground facility*, except in an emergency, without first giving notification as required by this section.

Adopted.

Rep. Thomas offered a floor amendment (0248h) and spoke in favor.

#### Floor Amendment (0248h)

Amend the bill by replacing section 1 with the following:

I Definitions; Excavate. Amend RSA 374:48, III to read as follows:

III. "Excavate", "excavating", or "excavation" means any operation conducted *on private property or* in a public way, right-of-way, easement, public street, or other public place, in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of

any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence or sign post installation, pile driving, wrecking, razing, rending, or moving any structure or mass material, but does not include the tilling of soil for agricultural purposes, *landscaping and maintenance of residential property performed with non-mechanized equipment, landscaping activities performed with mechanized equipment that are intended to cut vegetation, including lawn edging, aeration, and de-thatching, excavations permitted or grandfathered under RSA 155-E*, or replacement of department-of-transportation-installed delineator posts in the same location.

AMENDED ANALYSIS

- This bill amends the underground utility damage prevention system laws to:
- I. Included operations on private property in the definition of “exempt.”
  - II. Exempt certain landscaping and maintenance activities from the definition of “excavate.”
  - III. Exempt certain excavation activity from the notification requirements.
  - IV. Clarify the responsibilities of the operator relative to marking of facilities.
  - V. Exempt from the civil penalty provisions a homeowner excavating on his or her own property or a legal occupant of residential property excavating on the property of his or her primary residence with the permission of the owner.
- Floor amendment adopted.  
Report adopted and ordered to third reading.

**HB 184-FN-A**, establishing a 3 percent sales and use tax for the purpose of funding public education. **INEXPEDIENT TO LEGISLATE**  
Rep. Jeffrey D. Gilbert for Ways and Means: The committee believes that this bill is premature. Several similar bills, including the Governor’s proposed sales tax, will be before the committee in due course when they can be more appropriately considered in the context of proposed budgets and other revenue alternatives. Vote 16-0.

MOTION TO LAY ON THE TABLE

Rep. Benjamin Moore moved that **HB 184-FN-A**, establishing a 3 percent sales and use tax for the purpose of funding public education, be laid upon the table.  
Rep. Herman requested a roll call; sufficiently seconded.  
The question being the motion to lay HB 184 on the table.

YEAS 42 NAYS 308

YEAS 42  
BELKNAP

Dewhirst, Glenn	Johnson, William	Wood, Jane
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CARROLL

Sullivan, P Judith

CHESHIRE

Manning, Joseph	Weed, Charles
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COOS

Pratt, Leighton	Rodrigue, Robert
-----------------	------------------

GRAFTON

Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
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HILLSBOROUGH

Arnold, Thomas Jr	Daigle, Robert	Eaton, Richard	Gonzalez, Carlos
Hall, Betty	Kacavas, John	McHugh, Claire	Melcher, Harold
Salts, Greg	Sweeney, Cynthia		

MERRIMACK

Bouchard, Candace	Gile, Mary	Langer, Ray	Lockwood, Priscilla
Reardon, Tara	Rodd, Beth	Rush, Deanna	

**ROCKINGHAM**

Langley, Jane	Moore, Benjamin	Pitts, Jacqueline	Ruffner, Walter
Weatherspoon, Jacquelyne			

**STRAFFORD**

DeChane, Marlene	Ferland, Paul	Goodwin, Earle	Johnson, Nancy
Kaen, Naida	Lent, Donald	Woodill, Rodney	

**SULLIVAN**

Franklin, Peter	Harris, Joseph
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**NAYS 308****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Salatiello, Thomas
Thomas, John	Wendelboe, Fran		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley		

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Fairbanks, Chandler	Hunt, John	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Smith, John	Richardson, Barbara
Roberts, William	Royce, H Charles	Smith, Edwin	Zerba, Roger

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Rozek, Michael	Stohl, Eric
Tholl, John Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Lovett, Sid	Marshall, Gene	Mirski, Paul	Naro, Debra
Scanlan, David	Sova, Charles	Teschner, Douglass	Ward, Brien
Williams, Burton			

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, Peter	Coughlin, Pamela	Craig, James	Desrosiers, William
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph

Hopper, Gary	Jean, Claudette	Jean, Loren	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lynde, Harold
Martel, Andre	Martin, Mary Ellen	McDonough-Wallace, Alice	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Souza, Kathleen	Spieß, Paul	Tahir, Saghir	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald
White, John	Williams, Carol		

### MERRIMACK

Anderson, Eric	Brewster, Richard	Clarke, Claire	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn	French, Barbara
Greco, Vincent	Hager, Elizabeth	Hess, David	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Leber, William
MacKay, James	Maxfield, Roy	Moore, Carol	Potter, Frances
Poulin, David	Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael
Winter, Steven			

### ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Bridle, Russell	Camm, Kevin	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Cooney, Richard	Corbin, Corey	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Holland, James Jr	Introne, Robert	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langone, John	Letourneau, Robert
Major, Norman	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie
Morse, Charles	Norelli, Terie	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Pantelakos, Laura	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stone, Joseph	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		

### STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
Brown, Julie	Cossette, Larry	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Harrington, Michael	Hughes, Christopher	Knowles, William
McCarthy, Gerald	Musler, George	Pelletier, Arthur	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Tsiros, William	Twombly, James	Wall, Janet
Woods, Phyllis			

### SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Odell, Bob
Phinzy, James	Robb, Amy	Rodeschin, Beverly	

and the motion failed.

Rep. Sullivan voted yea and intended to vote nay.

Report adopted.



**HB 297-FN-L, eliminating excess education property tax payments. INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: The committee feels that this bill is not constitutionally viable. Additionally, we feel that the question of eliminating donor towns should not be addressed separately, but needs to be part of a comprehensive school funding solution. Vote 16-0.

Rep. Pepino requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 327 NAYS 23****YEAS 327****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Johnson, William	Millham, Alida	Nedean, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	Wood, Jane

**CARROLL**

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Philbrick, Donald	Quimby, Lee	Stevens, Stanley

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Fairbanks, Chandler	Hunt, John	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin
Weed, Charles	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Marshall, Gene	Naro, Debra	Nordgren, Sharon	Scanlan, David
Scovner, Nancy	Sokol, Hilda	Sova, Charles	Teschner, Douglass
Ward, Brien	Williams, Burton		

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Dionne, Kimberly	Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Foster, Linda
Furman, Christine	Gargasch, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Betty
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary

Jean, Claudette  
 Keye, Harvey  
 LaFlamme, Paul  
 Lefebvre, Roland  
 Martel, Andre  
 Mercer, Robert  
 Palangas, Eric  
 Rowe, Robert  
 Shaw, Barbara  
 Thompson, Rob  
 White, Donald

Jean, Loren  
 Konys, Christine  
 LaRose, Richard  
 Leishman, Peter  
 Martin, Mary Ellen  
 Messier, Irene  
 Panagopoulos, Nicholas  
 Sargent, Maxwell  
 Spiess, Paul  
 Thulander, O Alan  
 White, John

Johnson, Lionel  
 Kurk, Neal  
 Lasky, Bette  
 Lessard, Rudy  
 McDonough-Wallace, Alice  
 Milligan, Robert  
 Peterson, Andrew  
 Schulze, Joan  
 Sweeney, Cynthia  
 Vaillancourt, Steve  
 Williams, Carol

Kacavas, John  
 L'Heureux, Robert  
 Leach, Edward  
 Lynde, Harold  
 McRae, Karen  
 Movsesian, Lori  
 Reeves, Sandra  
 Seibel, Christopher  
 Tahir, Saghir  
 Wheeler, Robert

### MERRIMACK

Anderson, Eric  
 Colcord, J D  
 Dunne, Christopher  
 French, Barbara  
 Hess, David  
 L'Heureux, Stephen  
 MacKay, James  
 Poulin, David  
 Swindlehurst, John

Bouchard, Candace  
 Cummings, Raymond  
 Feuerstein, Martin  
 Gile, Mary  
 Hutchinson, John  
 Langer, Ray  
 Maxfield, Roy  
 Reardon, Tara  
 Wallner, Mary Jane

Brewster, Richard  
 Daneault, Gabriel  
 Fraser, Leo Jr  
 Greco, Vincent  
 Jacobson, Alf  
 Leber, William  
 Moore, Carol  
 Rodd, Beth  
 Whalley, Michael

Clarke, Claire  
 Davis, Frank  
 Fraser, Marilyn  
 Hager, Elizabeth  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Potter, Frances  
 Rush, Deanna  
 Winder, Steven

### ROCKINGHAM

Arndt, Janet  
 Bowles, Raimond  
 Case, Margaret  
 Coes, Betsy  
 Dearborn, Bruce  
 Fesh, Bob  
 Gilbert, Karl  
 Hamel, Albert  
 Johnson, Rogers  
 Kelley, William  
 Major, Norman  
 Norelli, Terie  
 Pantelakos, Laura  
 Quandt, Marshall  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Welch, David

Belanger, Ronald  
 Bridle, Russell  
 Chalbeck, Kevin  
 Cooney, Richard  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Giordano, Ronald  
 Holland, James Jr  
 Katsakiores, George  
 Kobel, Rudolph  
 McGuire, Robert  
 Nowe, Ronald  
 Power, Lucille  
 Quandt, Matthew  
 Sloan, Stephen  
 Trueman, Raymond  
 Weyler, Kenneth

Bishop, Franklin  
 Camm, Kevin  
 Clark, Martha Fuller  
 Corbin, Corey  
 Dowling, Patricia  
 Francoeur, Sheila  
 Gleason, John  
 Introne, Robert  
 Katsakiores, Phyllis  
 Langone, John  
 Micklon, Stephanie  
 Packard, Sherman  
 Priestley, Anne  
 Rausch, James  
 Splaine, James  
 Varrell, Thomas  
 Whittier, John

Blanchard, MaryAnn  
 Carson, Sharon  
 Clark, Vivian  
 Dalrymple, Janeen  
 Downing, Michael  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Johnson, Robert  
 Kelley, Jane  
 Letourneau, Robert  
 Morse, Charles  
 Palermo, Diane  
 Putnam, Ed II  
 Sapareto, Frank  
 Stone, Joseph  
 Weatherspoon, Jacquelyne  
 Zolla, William

### STRAFFORD

Albert, Russell  
 Brown, Julie  
 Estabrook, Iris  
 Harrington, Michael  
 Knowles, William  
 Pelletier, Arthur  
 Smith, Marjorie  
 Twombly, James

Berube, Roger  
 Cossette, Larry  
 Ferland, Paul  
 Hughes, Christopher  
 Lent, Donald  
 Proulx, Raymond  
 Snyder, Clair  
 Wall, Janet

Bickford, David  
 DeChane, Marlene  
 Gilmore, Gary  
 Johnson, Nancy  
 McCarthy, Gerald  
 Reid, Christopher  
 Spang, Judith  
 Woodjill, Rodney

Brennan, William  
 Dunlap, Patricia  
 Goodwin, Earle  
 Kaen, Naida  
 Musler, George  
 Rollo, Michael  
 Tsiros, William  
 Woods, Phyllis

### SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Odell, Bob

Burling, Peter  
 Franklin, Peter  
 Phinizy, James

Cloutier, John  
 Harris, Joseph  
 Robb, Amy

Ferland, Brenda  
 Jones, Constance  
 Rodeschin, Beverly

**NAYS 23**  
**BELKNAP**

Lawton, David

**CARROLL**

Dickinson, Howard

Patten, Betsey

Sullivan, P Judith

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

Gabler, William

Mirski, Paul

**HILLSBOROUGH**

Balboni, Michael  
Moran, Edward  
Souza, Kathleen

Desrosiers, William  
Pappas, Marc

McHugh, Claire  
Pepino, Leo

Melcher, Harold  
Salts, Greg

**MERRIMACK**

None

**ROCKINGHAM**

Langley, Jane  
Ruffner, Walter

McKinney, Betsy  
Saia, Pamela

Moore, Benjamin  
Woekel, Ralph

Pitts, Jacqueline

**STRAFFORD**

None

**SULLIVAN**

Leone, Richard  
and the report was adopted.

**VACATE**

Rep. Gilman moved that the House vacate the reference of **HB 229**, relative to third person liability under the workers' compensation law, to the Committee on Labor, Industrial and Rehabilitative Services.

Adopted.

The Speaker referred HB 229 to the Committee on Commerce.

**RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 22, 2001 at 10:00 a.m.

Adopted.

**LATE SESSION**

**Third reading and final passage**

**HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults.

**HB 308-FN**, relative to administrative fees added to restitution payments.

**HB 325-FN**, relative to certain acts of sexual assault.

**HB 361**, establishing a committee to study certain policies and procedures in the department of corrections.

**HB 385**, changing the name, membership and duties of the office of volunteerism.

**HB 388**, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility.

**HB 479**, relative to dead bodies.

**HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines.

**HB 357**, relative to periodic payments of judgments.

**HB 377**, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney.

**HB 242**, extending the reporting deadlines for certain study committees and commissions.

**HB 254**, naming a certain bridge in the town of Charlestown.

**HB 367-L**, relative to the establishment of a town forest in the town of Randolph.

**HB 480**, relative to the divisions within the department of resources and economic development.

**HJR 3**, encouraging the preservation of the system of locks on the Merrimack river.

**HB 374**, relative to surcharges on pay telephone use.

**HB 403**, relative to the effective date of special contracts for telephone utilities.

**HB 397**, establishing a committee to study the status of veterans in New Hampshire.

**HCR 5**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation.

**HCR 7**, urging the federal government to allow a deduction for personal credit card interest from the federal income tax.

**HCR 9**, urging the President of the United States to increase the administration's efforts to mediate a peaceful resolution to the dispute in Cyprus between Turkey and the Republic of Cyprus.

**HB 405**, establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

**HB 189-FN**, increasing the facility funding limits under the oil discharge and disposal cleanup fund.

**HB 351-FN-A-L**, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor.

**HB 485**, relative to physicians employed by hospitals.

**HB 202**, relative to the legislative ethics committee.

**HB 583**, making certain changes to the underground utility damage prevention system.

## RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 12:45 p.m.

## RECESS

(Rep. Scanlan in the Chair)

## RESOLUTION

Rep. Leishman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 766 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILL

### First, second reading and referral

**HB 766-FN-A-L**, establishing a New Hampshire education tax on gross receipts from the consumption of sales of goods and services as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax. (Peterson, Hills 8; Craig, Hills 38; Rep. John Pratt, Ches 2; Ward, Graf 1; Rowe, Hills 14; Johnson, Dist 3: Ways and Means)

## RECESS



**(Rep. Burling in the Chair)****RESOLUTION**

Rep. Jane Wood offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Constitutional Amendment Concurrent Resolutions numbered 22 through 25, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF CACRs****First, second reading and referral**

**CACR 22**, relating to moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that all moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall, after deducting the necessary costs of administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to education and shall not be transferred or diverted to any other purpose. (Burling, Sull 1; Dokmo, Hills 14; Leishman, Hills 13; Clemons, Hills 31: Finance)

**CACR 23**, relating to restricting the use of moneys collected from a sales tax. Providing that all moneys collected from any sales tax established in law by the general court shall, after deducting the necessary costs for administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to public elementary and secondary education and shall not be transferred or diverted to any other purpose. (Burling, Sull 1; Dokmo, Hills 14; Leishman, Hills 13; Clemons, Hills 31: Finance)

**CACR 24**, relating to establishing a maximum rate for a sales tax. Providing that the rate of any sales tax established in law shall not exceed 2 ½ percent, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court. (Burling, Sull 1; Dokmo, Hills 14; Leishman, Hills 13; Clemons, Hills 31: Ways and Means)

**CACR 25**, relating to establishing a maximum rate for any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that the rate of any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall not exceed \$4.90 on each \$1,000 of the value of taxable property subject to the tax, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court. (Burling, Sull 1; Dokmo, Hills 14; Leishman, Hills 13; Clemons, Hills 31: Ways and Means)

**RECESS****(Rep. Whalley in the Chair)****RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 767, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 767-FN-A-L**, establishing the excellence in learning in New Hampshire school funding and improvement program and making an appropriation therefor. (Burling, Sull 1; Dokmo, Hills 14; Leishman, Hills 13; Clemons, Hills 31: Finance)

**RECESS**

**(Rep. Scanlan in the Chair)**

**RESOLUTION**

Rep. Mirski offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 768, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL**

**First, second reading and referral**

***HB 768-FN***, relative to DNA testing of criminal offenders. (Kennedy, Merr 7; Weatherspoon, Rock 20; L. Christiansen, Hills 23: Criminal Justice and Public Safety)

RECESS

**(Speaker in the Chair)**

**COMMITTEE ASSIGNMENTS**

Rep. Stephen R. L'Heureux on Education.

Rep. Marie N. Rabideau off Education.

RECESS

**(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 9

Thursday, March 22, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed Creator, We thank You for the beginning of this new season. It has been a long and cold winter. Today's nor'easter reminds us of nature's power and of our need to defer with grace and appreciation. This honorable House faces many political storms ahead as members here decide the best course for our beloved New Hampshire's future. Give each member the shelter of an open heart and a ready ear that by placing the best interests of their constituents above self-interest, they may help us all to enjoy the blessings of true community and shared responsibility. Amen.

Rep. Chalbeck led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Andosca, Brennan, Carlson, David Cote, DePecol, Brenda Ferland, Fields, Hamel, Jane Kelley, Landers, Lyman, McDonough-Wallace, Irene Pratt, Rodrigue, Ronald Russell, Saia and Donald White, the day, illness.

Reps. Dewhirst, Donald Flanders, Jeffrey Gilbert, Gile, Gorman, Kacavas, Manning, Marshall Quandt, Quimby, and Rausch, the day, important business.

Reps. Allison, Barker, Bartlett, Batchelder, Case, Dudley, Stephanie Eaton, Flanagan, Flint, Henderson, Heon, Jacobson, Nancy Johnson, Jones, Leone, O'Keefe, Rodeschin, Salatiello and Stevens, the day, extreme weather.

Rep. Brown, the day, illness in the family.

### INTRODUCTION OF GUESTS

Jeanette Jennings, guest of Rep. Reed. Christine and Kathleen O'Brien, Chrissy Elliot, nieces of Reps Dionne and Elliot. Michael Dodge, son of Rep. Dionne.

### SENATE MESSAGE

### CONCURRENCE

**HB 111**, relative to paper purchased by or for state agencies.

**HB 167**, relative to the authority of the consumer advocate.

**HCR 4**, encouraging New Hampshire Public Radio to extend its broadcast signal to all of Coos county including the Connecticut River Valley area.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 111 and 167. Rep. Ronald Nowe, Sen. Pignatelli for the Committee

### VACATE

Rep. Gilman moved that the House vacate the reference of **HB 346-FN**, relative to requirements for medical examination and determination of gainful occupation for group II retirees injured in the performance of duty, to the Committee on Labor, Industrial and Rehabilitative Services.

Adopted.

Referred to Executive Departments and Administration.

### COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 645-FN-A-L**, relative to state aid for provision of an adequate education, and for additional local education tax relief, removed by Rep. Vivian Clark.

**HB 552-FN-A-L**, restructuring the delivery of a public elementary and secondary education and related educational services in New Hampshire, removed by Rep. Dodge.

**HB 292-FN**, relative to the travel allowance for members of the general court, removed by Rep. Arnold.

**HB 546-FN-A-L**, relative to allowing cities and towns to permit slot machines and other games of chance, removed by Rep. DiFruscia.

**HCR 10**, supporting the electoral college, removed by Rep. Weatherspoon.

**HB 283-FN**, establishing a low-digit plate lottery for plates reacquired by the department of safety and for low-digit plates not yet issued by the department, removed by Rep. Soltani.

**HB 651-FN-A-L**, authorizing the establishment of state-owned casino and convention center facilities and making an appropriation therefor, removed by Rep. Vaillancourt.

Consent Calendar adopted.

**HB 156**, relative to the detention of juveniles in delinquency proceedings. **OUGHT TO PASS**  
Rep. David A. Bickford for Children and Family Law: This bill assures a juvenile is represented by counsel at a delinquency hearing where detention is ordered and excludes minors from being detained at residential facilities, staff secure shelters or foster care homes. Vote 15-1.

**HB 416**, relative to fire safety inspections for foster family homes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill permits either the State Fire Marshal or the local fire department to conduct fire safety inspections for foster family homes. It allows for the application of the State Fire Code to inspections where there are no local ordinances. Vote 16-0.

#### Amendment (0272h)

Amend RSA 170-E:28, II as inserted by section 1 of the bill by replacing it with the following:

II. ~~[The fire code applicable to single family residences shall be the code applied by local fire departments in their review of compliance with local ordinances for foster family homes:]~~ *Either the state fire marshal or the local fire department shall review compliance of the foster family home with applicable state fire safety laws and local ordinances. In conducting the review, the state fire marshal or local fire department shall apply the appropriate single family or multi-unit dwelling provisions of the applicable code.*

**HB 112**, establishing a study committee on antitrust laws as they apply to hospital business practices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: House Bills 112, 250 and 262 all called for the study of managed care, physicians' networks and hospital business practices. The committee heard compelling testimony on all three issues and decided to incorporate all three bills into HB 112. The amendment includes HB 250 and HB 262 issues so that these two bills are now unnecessary. The study committee will look into all of these issues. Vote 14-0.

#### Amendment (0107h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a study committee on issues relating to hospital business practices and managed care organizations' networks.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study issues relating to hospital business practices and managed care organizations' networks.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives at least 2 of whom shall be members of the commerce committee and at least one of whom shall be a member of the health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.



3 Duties. The committee shall study issues relating to hospital business practices and managed care organizations' networks. Such study shall include, but shall not be limited to, a study of antitrust laws as they apply to hospital business practices, the relationship between physician hospital organizations and independent provider associations, and the criteria by which managed care organizations exclude certain entities from their networks.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before February 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a study committee on issues relating to hospital business practices and managed care organizations' networks.

#### **HB 153, lowering the minimum medical cost coverage for motor vehicle liability policies. OUGHT TO PASS**

Rep. Anthony R. DiFruscia for Commerce: The action taken by the legislature last session raised the minimum medical cost coverage for motor vehicle liability policies from \$1000 to \$5000, and although it had no opposition last year, it resulted in significantly higher premiums to youthful drivers. The committee feels that the benefit of last year's legislation was not worth the increase in premiums that hit some consumers. Vote 14-0.

#### **HB 250, prohibiting managed care organizations from disqualifying certain entities from their networks. INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This bill has now been incorporated into HB 112. Vote 14-0.

#### **HB 262, establishing a commission to study the status of the relationship between physician hospital organizations and independent provider associations. INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This bill has now been incorporated into HB 112. Vote 13-1.

#### **HB 542-FN, requiring cellular telephone carriers to notify customers before the service is disconnected. INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: While the committee had a good deal of sympathy for the sponsors' concerns, the testimony revealed that even if a cellular phone were disconnected, 911 calls would still go through. The problems seemed to center around one cellular company whose business practices left something to be desired. There is plenty of competition in the field and customers can change providers if they wish. We feel that legislation was not needed in this case. Vote 14-0.

#### **HB 577, relative to credit data for insurance purposes. INEXPEDIENT TO LEGISLATE**

Rep. Paul D. Spiess for Commerce: The intent of the bill is to protect individuals who do not have a credit history from being charged a higher premium for automobile or homeowners' insurance. The committee heard testimony from the New Hampshire Insurance Department that the language of the existing statute is protective and prohibits charging higher premiums for any reason solely on the basis of credit history. To date, no complaints have been received by the insurance department on this issue. Vote 13-0.

#### **HB 239, relative to certain vehicle stops made by police officers. INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would prohibit police officers from making vehicle stops unless the stop is supported by reasonable suspicion based on articulable facts. To that extent, the bill is unnecessary because both the Fourth Amendment to the U.S. Constitution and Part I, Article 19 of the NH Constitution as interpreted by the US Supreme Court and the NH Supreme Court already prohibit such stops. State statutes already define what is required for such a stop. As written, the bill is so broad that it would prohibit otherwise legitimate "community caretaking" functions often performed by police officers, such as stopping a vehicle with smoke coming from underneath. Vote 15-0.

**HB 315-FN**, relative to the registration of criminal offenders. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This legislation requires any non-resident sexual offender attending school as a full or part-time student or employed for a period exceeding 14 consecutive days or an aggregate time exceeding 30 days during any calendar year, to register as a sexual offender with the local law enforcement agency having jurisdiction over the school or place of employment. Vote 15-0.

**HB 508**, relative to third party contact in orders of protection from domestic violence. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The intent of this bill is to allow the defendant's attorney to contact the plaintiff, or the plaintiff's attorney, notwithstanding a protective order that prohibits contact through third parties. No evidence was presented that any attorney has been prohibited from contacting the plaintiff or the plaintiff's attorney as a proper and necessary part of defense. The committee was unanimously of the opinion that this bill, while well-intentioned, attempts to create a remedy to a problem that is non-existent. Vote 14-0.

**HB 186-FN-A**, establishing a pesticides training program. **OUGHT TO PASS**

Rep. Amy S. Robb for Environment and Agriculture: This bill establishes a pesticide-training program for the purpose of providing education regarding pesticides and the handling of pesticides for commercial pesticide applicators and other applicable persons. This bill also establishes a fund to support the purposes of the training program. It allows the Division to put 100% of the fees back into the program. This legislation is timely as there has been a need for more training sessions in categories such as: mosquito control ( West Nile Virus ), pet groomers and weed and brush control. Training will help people to become duly licensed and well trained in the safe application of pesticides. Vote 13-0. Referred to Ways and Means.

**HB 181-FN**, allowing police and corrections officers who have been group II members for 5 years to maintain group II membership in the retirement system when they become police trainers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ray F. Langer for Executive Departments and Administration: There has been a problem getting police and correction officers who have been in group II to volunteer to become training specialists, because they would thereby be placed into group I if they didn't have 10 years service in group II. This bill reduces the required time to five years in group II prior to transferring to the position of training specialist. The amendment covers the director or assistant director's position, which now requires as 10 years prior group II service to remain in group II. It was felt that they should continue in that category because of the importance of prior service experience in these positions. Vote 15-0.

**Amendment (0211h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to group II retirement system membership for police and corrections officers who become police trainers.

Amend the bill by replacing section 1 with the following:

1 Police Trainers; Group II Retirement System Membership. Amend RSA 100-A:3, III-b to read as follows:

III-b. Notwithstanding the provisions of RSA 100-A:1, VII, any permanent police officer certified under RSA 188-F:22-30 as a full-time police officer, who has been a group II member for at least [H] 5 years and who becomes a law enforcement training specialist or, *who has been a group II member for at least 10 years and becomes* assistant director *or* director of the police standards and training council and as a job requirement has satisfied minimum standards as determined by the police standards and training council for physical condition, education and training shall be construed to be a permanent policeman for purposes of membership in group II and shall remain in the system for the duration of his *or her* service in that capacity with the police standards and training council.

**AMENDED ANALYSIS**

This bill allows police and corrections officers who have been group II members for 5 years to maintain group II membership in the retirement system when they become law enforcement train-

ing specialists. The bill also allows a police or corrections officer who has been a group II member for 10 years to maintain group II membership in the retirement system if he or she becomes the director of the police standards and training council.

This bill was requested by the police standards and training council.

**HB 205-FN-L**, relative to creditable service for eligibility by retired teachers for payment of medical benefits. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would allow teacher members with out of state service to use that service as eligible time for payment of medical benefits provided they have completed 15 years of service to the citizens of New Hampshire. The current system provides a reward for 20 years minimum in state service. There was no indication of a groundswell of support for this change from the teachers and the committee felt that to maintain the integrity and fiscal stability of the system, the current policy should not be compromised. Vote 16-0.

**HB 288-FN**, relative to the licensure of interpreters for the deaf and hard of hearing. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: As amended, this bill requires 2 levels of licensure for interpreters. The first level will meet state requirements and the highest level will meet national requirements. Deaf persons will know the exact competence of the interpreter before hiring them. The bill also allows a waiver if the deaf person wishes to accept the responsibility for using someone who is not licensed. This bill protects doctors and others who may be required to use interpreters in their practice and provides knowledge of the level of competency to the hearing impaired. The subcommittee spent many hours and created many amendments in ensuring that this bill finally meets the needs of the deaf. Vote 13-0.

#### **Amendment (0330h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Interpreters for the Deaf and Hard of Hearing. Amend RSA by inserting after chapter 326-H the following new chapter:

#### **CHAPTER 326-I**

#### **INTERPRETERS FOR THE DEAF AND HARD OF HEARING**

##### **326-I:1 Findings and Statement of Purpose.**

I. The general court finds that while there is no census count, as many as 10,000 New Hampshire citizens live with hearing loss; that of this number perhaps 3,000 men, women and children are unable to readily understand speech due to the extent of their hearing loss, but instead rely on a visual mode of communication.

II. The general court finds that a significant number of New Hampshire's deaf and hard of hearing, its broad array of public agencies and institutions, and its medical and legal professions share a unique challenge: the necessity to hire professional interpreters licensed to provide ready and reliable communications to and for those who use a visual mode of communication.

III. The general court further finds the mandates of federal and state statutes which require funding of interpreter's services, by the same public agencies and institutions, medical and legal professions and others of those interpreters requested by the deaf and hard of hearing, is a mandate in itself to the legislature to ensure the availability of a skilled cadre of professional, licensed interpreters.

IV. The purpose of this legislation is:

(a) To provide standards for the licensing and regulation of interpreters for the deaf and hard of hearing.

(b) To ensure interpreters for the deaf and hard of hearing meet rigorous standards, and that by power of revoking their licenses are held accountable for the quality and timeliness of their work.

##### **326-I:2 Definitions. In this chapter:**

I. "Board" means the board of licensure of interpreters for the deaf and hard of hearing.

II. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary communication is visual.

III. "Hard-of-hearing person" means a person who has a hearing loss, who may or may not primarily use visual communication, and who may or may not use assistive devices.



IV. "Interpreting" means the process of providing accessible communication between and among persons who are deaf, oral deaf, hard-of-hearing, and who can hear, who do not share a common means of communication. This process includes, without limitation, interpreting and transliterating and visual, gestural, auditory and tactile communication.

V. "Interpreting agency" means an agency whose function is to provide qualified interpreter services for a fee, usually including a fee for travel time, and who access interpreters licensed under this chapter.

VI. "Interpreter" means a person who provides any of the following services:

(a) English-based transliterating, which includes but is not limited to conveying a message via visible representations of the English language such as manually coded English and oral transliteration. This process conveys information from one mode of English to another mode of English;

(b) American Sign Language-based interpreting, which is the process of conveying information between American Sign Language and English; and

(c) Intermediary interpreting, which means interpreting services rendered by a deaf person to facilitate communication between another deaf person and another licensed interpreter or between 2 or more deaf persons.

VII. "Oral deaf" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary communication is by speech reading and spoken English.

326-I:3 Board of Licensing for Interpreters for the Deaf and Hard of Hearing; Administrative Attachment.

I. There shall be a board of licensing for interpreters for the deaf and hard of hearing, each member to be appointed by the governor, with the approval of the council.

II. The board shall consist of 9 members as follows:

(a) Four licensed interpreters, 2 of whom are state level licensees and 2 of whom are national level licensees, from a list of names submitted by the New Hampshire Registry of Interpreters for the Deaf in conjunction with the New Hampshire Association of the Deaf.

(b) Five consumers, including 3 deaf persons from a list of names submitted by the New Hampshire Association of the Deaf, one consumer of oral interpreting services, and a non-deaf member of the public not licensed under this chapter.

III. No member of the board shall serve concurrently in an elected, appointed, or employed position in any other state-level organization representing interpreters for the deaf, if it would present a direct conflict of interest.

IV.(a) Appointments to the board shall be for 3 years, except that one of the initial interpreter members and one of the initial consumer members shall serve one-year terms, and one of the initial interpreter members and one of the initial consumer members shall serve 2-year terms. A member shall hold office until a successor has been appointed and qualified. No member may serve more than 2 consecutive terms. Initial interpreter member appointments to the board shall be required to be licensed under this chapter, as of January 1, 2003.

(b) The governor and council may remove any member of the board for malfeasance, misfeasance, or nonfeasance pertaining to the duties of the board.

(c) The board shall review and take action on all applications for licensure, renewal, and reinstatement licenses for interpreters for the deaf and hard of hearing.

V. Members of the board shall receive mileage incurred while conducting the business of the board.

VI. A quorum of the board shall be 5 members.

VII. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of education.

326-I:4 Powers and Duties of the Board. The powers and duties of the board include:

I. Accepting applications for licensure under this chapter, and approving or denying such applications.

II. Approving and enforcing performance requirements, including education and examination standards, for interpreters for the deaf and hard of hearing.

III. Suspending or revoking licenses and conducting investigations and hearings regarding the denial, suspension, revocation, and renewal of licenses.

IV. Adopting a code of professional conduct for licensees.

V. Renewing licenses for interpreters for the deaf and hard of hearing.



VI. Maintaining a directory of all licensed interpreters for the deaf and hard of hearing. The directory shall be updated, published, and shall be offered for sale to the public at a fee to be equal to the cost of reproduction.

VII. Accepting written complaints from the public against licensees, conducting necessary investigations of such complaints, and publicizing the complaint procedure.

VIII. Accepting funds from federal and other non-state sources to be used for the purposes of this chapter.

IX. Cooperating with the New Hampshire Registry of Interpreters for the Deaf, the New Hampshire Association of the Deaf, Self Help for the Hard of Hearing of New Hampshire, the department of education, division of vocational rehabilitation, and interpreting agencies to provide access to the services of interpreters to persons communicating with deaf and hard of hearing persons.

X. Reporting to the governor and council annually on the activities conducted under this chapter.

326-I:5 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The form and content of license applications for each license level authorized in RSA 326-I:7, II. For national level licensure such rules shall include application criteria including examinations and examiners used by the Registry of Interpreters for the Deaf, the National Association for the Deaf. For state level licensure such rules shall include the use of the New Hampshire classification test administered by the program for the deaf and hard of hearing under the division of adult learning and rehabilitation, department of education.

II. License and application fees, renewal fees, and any other fees required under this chapter which shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

III. The conditions under which an applicant from another jurisdiction may be issued a license.

IV. Requirements for continuing professional education and competency of interpreters for the deaf and hard of hearing.

V. The contents of the code of professional conduct, and the application of the code to the provision of services by interpreters.

VI. Expiration of licenses.

VII. The conduct of investigations and hearings under this chapter, consistent with due process requirements.

326-I:6 Application for Licensure. An application for licensure under this chapter shall be filed with the board in such form and detail as required in accordance with rules adopted under RSA 541-A, shall be duly signed and verified, and shall be available for public inspection.

326-I:7 Licensure Required; Exemptions.

I. No person shall receive remuneration as an interpreter for the deaf or hard of hearing or represent oneself as an interpreter for the deaf or hard of hearing in this state after January 1, 2003, unless such person is licensed in accordance with the provisions of this chapter.

II. The board shall license each applicant who satisfies the requirements of the board at either a national level license or a state level license. Upon payment of a license fee for each license level, the board shall issue to such person a certificate of licensure which shall be evidence of the right to practice at the appropriate level as an interpreter for the deaf and hard of hearing.

III. An interpreter for the deaf and hard of hearing certified by the Registry of Interpreters for the Deaf, the National Association of the Deaf, or the New Hampshire Interpreter classification process prior to the effective date of this chapter shall be accepted for licensure by the board, at the appropriate license level, without examination, provided that all such certified persons comply with all other requirements of the board under this chapter.

IV. The following persons shall be exempt from the license requirements of this chapter:

(a) Nonresident certified or licensed interpreters working in this state fewer than 250 hours in the previous calendar year, or as otherwise qualified by rules by the board, provided that such interpreter shall be subject to disciplinary proceedings of the board.

(b) Interpreters for the deaf and hard of hearing working in religious settings.

(c) Interpreters working in emergency situations where the parties determine that the delay to obtain a licensed interpreter is likely to cause injury or loss.

(d) Students exempted under RSA 326-H:8.

(e) Interpreters employed by a school district for a K-12 program.

V. The recipient of services shall have the right to apply to the department of education for, and to receive, a waiver in writing from using a licensed interpreter and shall accept all responsibility for such action.

**326-I:8 Persons or Practices Affected.**

I. Nothing in this chapter shall be construed to prohibit a student enrolled in a school or courses in interpreting for the deaf and hard of hearing from interpreting for the deaf which is incidental to a course of study of supervised field work.

II. Nothing in this chapter shall prohibit persons registered or otherwise licensed in this state under any other law from engaging in the practice for which they are registered or licensed.

**326-I:9 License Requirements; Fees.**

I. To be eligible for licensure by the board as an interpreter for the deaf and hard of hearing at either the national level license or the state level license, an applicant shall:

(a) Be at least 18 years of age and make application to the board, upon a form prescribed by the board.

(b) Pay to the board the appropriate license application fee.

(c) Possess the minimum standards of performance and training pursuant to rules adopted by the board under RSA 541-A and RSA 326-I:5.

(d) Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

(e) If applicable, submit proof of licensure in another state in which the licensure requirements are equivalent to or greater than those in this chapter.

II.(a) A license shall be restored after a period of nonrenewal of less than 2 years, if the person pays to the board a restoration fee consisting of the current renewal fee plus any late fee established by rules adopted by the board pursuant to RSA 541-A and submits such evidence of continued professional competence and eligibility for licensure as the board may require.

(b) Any person who fails to renew a license within 3 years after its expiration date may apply for and obtain a new license upon meeting the requirements of this chapter and paying to the board the appropriate fee.

**326-I:10 Persons From Other Jurisdictions; Licensure.** The board may waive licensure requirements for an applicant who is licensed by another jurisdiction where the requirements for licensure are greater than or equal to those required in this state.

**326-I:11 Prohibited Acts. No person shall:**

I. Practice as an interpreter for the deaf and hard of hearing after January 1, 2003 without holding a license issued pursuant to this chapter.

II. Fail to comply with an order of the board issued pursuant to this chapter.

III. Fail to comply with a rule adopted pursuant to this chapter.

**326-I:12 Reinstatement After Suspension.** An interpreter for the deaf and hard of hearing seeking reinstatement of a suspended license shall submit the following to the board:

I. A written request to the board explaining the appropriateness of reinstatement of the license or registration.

II. The required license or application fee.

III. Evidence of competency to practice as established by the board, which shall include continuing education or training, passage of an examination, and practice under the supervision of another licensed interpreter for a period of time set by the board.

**326-I:13 License Renewal; Continuing Education.** A license issued by the board shall expire on the January 1 following 3 years from the date of issuance. Every person licensed under this chapter who wishes to renew a license shall, on or before the expiration date, pay a fee for renewal of license to the board. The board shall notify each person licensed under this chapter of the date of expiration of such person's license and the renewal fee required. The notice shall be mailed to such person's last known address as provided to the board at least 60 days in advance of the expiration of such license. Renewals are contingent upon evidence of completing the number of continuing education units established by the board. The continuing education units may be earned by attending professional training or completing approved independent studies and regional in-service programs, as determined by the board.

**326-I:14 Disciplinary Actions.**

I. The board may undertake disciplinary proceedings:

- (a) Upon its own initiative; or
- (b) Upon written complaint of any person which charges that a person licensed by the board, or an unlicensed person under RSA 326-I:7, IV(a), has committed misconduct under paragraph II and which specifies the grounds for the misconduct.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

- (a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.
- (b) Conviction of any crime which demonstrates unfitness to practice as an interpreter for the deaf and hard of hearing
- (c) Violation of the standards adopted under RSA 326-I:4, II and IV, including violations which demonstrate exceeding the level of the licensee's skills commensurate with his or her experience or training.
- (d) Demonstrable gross incompetence of the licensee.
- (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this chapter.
- (f) A legal finding of mental incompetence.
- (g) Willful or repeated violation of the provisions of this chapter.
- (h) Suspension or revocation without subsequent reinstatement of a license, similar to one issued under this chapter, in another jurisdiction.

III.(a) The board may take disciplinary action in any one or more of the following ways:

- (1) By public or private reprimand.
- (2) By suspension, limitation, or restriction of license.
- (3) By revocation of license.
- (4) By requiring the person to participate in a program of continuing education supervision, or treatment in the area the person is deficient.
- (5) By removing an exemption for an unlicensed person under RSA 326-I:7, IV(a).
- (b) Disciplinary action taken under this paragraph may be ordered by the board in a decision made after a hearing in the manner provided by the rules adopted by the board and reviewed in accordance with RSA 541.

(c) No person licensed under this chapter shall continue to practice as an interpreter for the deaf and hard of hearing while the person's license is suspended or revoked.

IV. At any time, the parties in a complaint, with the cooperation of the board, may refer a matter to conflict resolution or mediation services, provided that any proposed resolution of a complaint shall be subject to the approval of the board.

326-I:15 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing or formally presented to the board. A hearing shall be held on all formal complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Official notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

326-I:16 Display of License. Any person who has been issued a license under this chapter shall conspicuously display such license to a client or consumer upon request when acting as an interpreter for the deaf and hard of hearing.

326-I:17 Record; Directory. The board shall maintain a record of its proceedings under this chapter and a directory of all persons licensed under this chapter. The directory shall list the name and last known business address for each licensee, and may include such other information as the board deems necessary.

326-I:18 Penalties. Any person who violates any provision of this chapter or any rule adopted by the board under this chapter, or who knowingly makes a false statement in an application for licensure or in response to any inquiry of the board shall be guilty of a violation. Upon conviction of a second or subsequent violation under this chapter the person shall be guilty of a class A misdemeanor and may, in addition, be subject to a civil penalty of up to \$2000 per offense or, in the case of a continuing offense, \$250 for each day the violation continues.



2 Department of Education; Vocational Rehabilitation; Program for the Deaf and Hard of Hearing; Functions. RSA 200-C:19, IV is repealed and reenacted to read as follows:

IV. Provide administrative support upon request of the board of licensure of interpreters for the deaf and hard of hearing established in RSA 326-I. Such support may include the operation of a state screening for New Hampshire interpreters.

3 Department of Education; Vocational Rehabilitation; National Level and State Level Examination Fee. Amend the section heading of RSA 200-C:20-a and RSA 200-C:20-a, I to read as follows:

200-C:20-a [~~Certification~~] *National Level and State Level Examination Fee*; Revolving Fund Established.

I. [~~Sign-language~~] Interpreters [~~certified~~] *seeking to be licensed under RSA 326-I who are required to be examined* by the department of education [~~as provided in RSA 200-C:19, IV or RSA 521-A:1, IV~~] shall be charged a fee for [~~such certification~~] *the national level or state level examination* by the department of education, *as appropriate*. The state board of education shall establish, pursuant to RSA 541-A, a fee schedule for such purpose. The administrator, bureau of vocational rehabilitation, shall assess and collect such fees.

4 Interpreters for the Deaf; Definition of Qualified Interpreter. Amend RSA 521-A:1, IV to read as follows:

IV. "Qualified interpreter" means an interpreter [~~certified by the national registry of interpreters for the deaf, the New Hampshire registry of interpreters for the deaf, the department of education, or, in the event an interpreter so certified is unavailable, any other interpreter whose actual qualifications have otherwise been appropriately determined~~] *licensed under RSA 326-I*.

5 Repeal. The following are repealed:

I. RSA 521-A:7, relative to the coordination of interpreter requests.

II. RSA 521-A:8, relative to compensation for interpreters for the deaf in court proceedings.

6 Effective Date. This act shall take effect July 1, 2001.

Referred to Finance.

**HB 318-FN-L**, relative to payment of group health insurance premiums for eligible retired political subdivision members of the retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would have provided the health benefits subsidy to group I employees who have been members of the retirement system for 10 years or more. This is much less than the present standard of 20 years of service in place at the present time. The cost for this change would be a charge of \$43.4 million to the special account. The committee felt that to change the requirements at this time would be inappropriate. The committee wishes to study the retirement system and review all of the basic guidelines to be sure they are appropriate. Vote 17-0.

**HB 323-FN-L**, relative to eligibility for payment of medical insurance premiums for retired group I teachers. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The present law, RSA 100-A:52, provides for a supplement towards teachers' health insurance premium for retirement at age 60 with at least 20 years of membership in the New Hampshire retirement system. This benefit is terminally funded from the teachers' special account. This bill would reduce the years of membership to ten years for eligibility. The cost to fund this change for the retired or will be retired teachers prior to July 1, 2004 will cost the teachers' special account 75.1 million dollars. The representatives of the teachers groups opposed this change based on the cost and the feeling that 20 years of service was in keeping with similar programs for others in the New Hampshire retirement system and was the optimum years of service. Vote 14-0.

**HB 331-FN-L**, relative to payment of the medical insurance premium subsidy for a family plan for eligible retirees in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The bill would add the coverage of fully dependent children to the medical coverage of retired state employees. At the present time, only the retiree and spouse are covered by the plan. The number of persons affected is unknown at this time and the cost of the plan would be an additional cost to the general fund. The retiree with a dependent child would receive the medical subsidy from the medical sub-trust of the retirement system but this only covers a small portion of the cost. At the present time, the state employees do participate in the medical subsidy. This is a major change in the health coverage plan and should be studied in the future with other concerns of the committee to insure fairness and uniformity. Vote 17-0.



**HB 359-FN**, requiring data collected by state agencies to be analyzed relative to age and gender. **INEXPEDIENT TO LEGISLATE**

Rep. David G. Poulin for Executive Departments and Administration: This bill would have required that data collected by state agencies be analyzed and stored relative to age and gender. The committee felt that much of this information may be available from other sources. The committee heard from one of the largest agencies that it would be a cumbersome task to complete this request and the money to create the software program is not available without a major increase in the budgets of all departments. Vote 15-0.

**HB 438-FN**, relative to the sale of dogs and cats. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: The sponsors requested that this bill be reported out as inexpedient to legislate. The committee agreed. Vote 14-0.

**HB 548-FN-A**, relative to the powers and duties of the office of the attorney general. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This was a very complex bill. It not only changed the name of the agency, requiring the change of up to 75 different statutes, but it also did the following: A. Removed the numerical limit on the number of assistant attorneys general and allowed senior attorneys general to work part time without losing their senior status; B. Clarified that legislative approval would be required to settle claims against the state that exceeds a percentage of the total reported general fund unrestricted revenues for the previous fiscal year; C. Increased the labor grade of the law office administrator, established several new positions within the agency with specified labor grades thereto, and allowed the attorney general to move attorneys general and investigators within the department regardless of labor grades or job descriptions. This was being done without the prior approval of the director of personnel. The bill also increased the fees for reports by trustees of charitable trusts and repealed the rule making requirements relative to the rape protocol kit and the domestic violence protocol. The committee felt that while the bill had some very minor advantages with respect to certain areas, they could be handled in another manner. The major concerns were as follows: A. The bill would increase state restricted revenue and general fund revenues and general fund expenditures by an indeterminable amount beginning in FY 2002 and continuing each year thereafter; B. To establish new positions and labor grades in the middle of the unclassified salary survey presently being conducted in the legislature would be premature and counterproductive especially without prior approval of the director of personnel; C. To establish new positions and subject their removal to RSA 4:1 which is presently being proposed for modification in HB 719 is somewhat premature at this time; D. The cost to change the name of the agency and the modification of approximately 75 statutes was unnecessary. Vote 16-0.

**HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill is the result of a study committee during the last session of the legislature. This will allow the commissioner the option to self fund the employee health insurance. This is enabling legislation and will allow the commissioner of administrative services to enter into contracts with a third party or parties to administer a self-funded health benefit for state employees. Funds appropriated for this purpose shall not be transferred or used for any other purpose. The state will also maintain a special reserve fund in an amount estimated to be necessary to pay claims and the administrative costs for the assumed risk for 3 months. Vote 14-1.

Referred to Finance.

**HB 606-FN**, relative to the Christa McAuliffe planetarium. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: This bill removes the governing of the Christa McAuliffe planetarium from the board of trustees of the New Hampshire regional technical colleges and creates a new commission. The Christa McAuliffe planetarium commission will be responsible for the management and operation of the planetarium in Concord including the Alan B. Shepard discovery center and the buildings and grounds related thereto. The committee felt that the commission needed to be restructured to further promote the planetarium

and to start fund raising activities for expansion of the programs and facilities. The amendment limits the powers of the commission to delegate only the fund raising issues to a non-profit group. Vote 14-0.

#### **Amendment (0379h)**

Amend RSA 12-L:7, I as inserted by section 2 of the bill by replacing it with the following:

##### **I. The commission shall have the following responsibilities:**

(a) Supervise the design and program of the planetarium as authorized by the general court in a manner consistent with the intent of the project. All construction shall be undertaken under the provisions of RSA 228 and all contracts shall receive final approval by the governor and council.

(b) Oversee the administration of the planetarium and ensure that its mission is achieved.

(c) Cooperate and consult with the director of the planetarium concerning the daily operation of the planetarium, as well as integrated educational programs.

(d) Authorize the director of the planetarium to enter into contracts which are necessary for the administration of its authority pursuant to this chapter. All contracts, agreements, procurement, personnel, and operations shall be subject to the same requirements as all state agencies; provided, however, that any specialized planetarium program or equipment for which the estimated cost is funded from gifts, grants, or donations to the planetarium fund shall be exempt from competitive bidding requirements.

(e) Notwithstanding any other provisions of law, authorize the director of the planetarium to sell, lease, or trade specialized planetarium programs or equipment subject to the approval of the commissioner of administrative services. Proceeds from such transactions shall be used to support the operations of the planetarium.

(f) Delegate responsibilities for fund raising to Touch the Future, as the commission deems appropriate.

**HB 305-FN-A**, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief. **OUGHT TO PASS**

Rep. Vincent E. Greco for Fish and Game: This bill establishes a dedicated fund for Operation Game Thief, which is currently operated and funded by New Hampshire Wildlife Federation. The fund has approximately \$18,000 reward money left, which is being turned over to the Fish and Game Department to be used for the same purpose. Vote 14-0.

Referred to Finance.

**HB 504**, establishing a committee to study the feasibility of requesting the fish and game department to develop shooting ranges in each of the wildlife management units. **OUGHT TO PASS**

Rep. Robert J. L'Heureux for Fish and Game: Because of the severe shortage and decline in public shooting ranges which is caused in part by urban sprawl, the committee felt the bill had merit and that the issue should be studied. Vote 14-0.

**HB 628**, relative to disclosure of cost of services by medical providers and relative to cost of medical services charged to uninsured consumers. **INEXPEDIENT TO LEGISLATE**

Rep. Andre Martel for Health, Human Services and Elderly Affairs: Although well intentioned, this bill would require (1) an estimate of the cost of medical care prior to rendering the service and (2) the bill would also limit the cost of medical attention to the uninsured at the Medicaid rate. The committee had a problem on both fronts. First, as an example, a person who might need emergency medical attention or some sort of surgery would put the medical provider in an impossible situation of not knowing, in advance, the entirety of the need to medically correct. Another thought was, if an estimate of surgery was perhaps \$2,000 and, during the procedure, additional unanticipated surgery was needed, whether the surgeon would try to stay with the estimate or complete his or her work in a professional manner without the estimate being the driving force. Furthermore, it is widely known that the Medicaid rate normally pays less than the medical care costs, thus would have the potential of a medical care provider to limit the numbers of Medicaid patients they would accept. In addition, challenges to billings are appropriate under RSA 151:21-j for consumer protection. When a patient needs medical attention, they want a remedy, not an estimate. Vote 12-3.

**HB 643-FN**, establishing a committee to study a long-term care protection plan and extending the moratorium on new nursing home beds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: The committee, after discussion, decided that it was appropriate to extend the moratorium on new nursing house beds through the end of the budget period ending June 30, 2003. Vote 16-1.

**Amendment (0399h)**

Amend the title of the bill by replacing it with the following:

AN ACT extending the moratorium on new nursing home beds.

Amend the bill by replacing all after the enacting clause with the following:

1 Moratorium Extended. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending [~~December 31, 2001~~] **June 30, 2003**, except that a certificate of need ~~[may]~~ **shall** be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill extends the moratorium on new nursing home beds from December 31, 2001 to June 30, 2003.

**HB 457-FN**, establishing a process for reviewing judges. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert H. Rowe for Judiciary: The committee is in full support of evaluating judges. In the 2000 session, the House passed a bill that is now RSA 490:32. This law mandates the evaluation of judges every three years. The responsibility for implementing RSA 490:32 rests with the Supreme Court. The Court is currently establishing rules to implement this program. The Committee may also consider the possible removal of this responsibility from the Supreme Court by placing it in an independent body. Vote 19-0.

**HB 206-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill establishes an equipment depository within the Division of Personnel as well as in a disabled person's employment fund. After amending the bill to encourage the division to seek gifts and grants, the committee voted unanimously to pass this bill. Vote 14-0.

**Amendment (0118h)**

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Equipment Depository; Disabled Person's Employment Fund. Amend RSA 21-I by inserting after section 44-d the following new subdivision:  
Equipment Depository

21-I:44-e Equipment Depository. There is hereby established an equipment depository within the division of personnel. Moneys contained in the disabled persons' employment fund, established by RSA 21-I:44-f, shall be used to purchase adaptive equipment and accommodations to enable disabled persons to become gainfully employed by the state and any political subdivision of the state. The division shall determine the equipment to be purchased. The purchases shall be limited to equipment which provides reasonable, and not extraordinary, accommodations to the needs of the disabled, such as telephone adapters, adjustable desks, and other like equipment. The division shall have authority to reissue equipment returned to the depository and to dispose of any equipment that is no longer useful and to deposit any sale proceeds in the fund established by RSA 21-I:44-f.

21-I:44-f Disabled Persons' Employment Fund. There is hereby established a non-lapsing fund to be known as the disabled persons' employment fund to be used solely for the purposes of RSA 21-I:44-e and which shall be continually appropriated to the division of personnel for that purpose. The division, with the approval of governor and council, may accept, and is encouraged to seek, gifts, grants, and private donations for deposit in the fund established by this section.

Referred to Finance.

**HB 261-FN**, including the judiciary as a public employer under the public employee labor relations act. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: This legislation came as a result of a 1998 Supreme Court decision stating that judicial employees were not covered by the



public sector collective bargaining statute (RSA 273-A). The committee felt that the employees of the judicial branch should be given the right to form a union and to bargain just as the executive branch employees do presently. Vote 11-3.

#### Amendment (0236h)

Amend the bill by replacing sections 4 and 5 with the following:

4 Court Personnel; Reference to Collective Bargaining Added. Amend RSA 490:26-b to read as follows:

490:26-b Court Personnel and Compensation System.

*I. The supreme court shall establish a uniform personnel classification and compensation system and salary and grievance procedures for all nonjudicial court personnel **not covered by a collective bargaining agreement under RSA 273-A**. The compensation system shall be approved by the legislature prior to becoming effective if the legislature is meeting in regular session. If the legislature is not meeting in regular session, the compensation system shall be approved by the legislative fiscal committee prior to becoming effective. The salary and grievance procedures **for employees not covered by a collective bargaining agreement under RSA 273-A** shall be established by administrative order of the supreme court.*

*II. If court employees exercise their rights under RSA 273-A, their wages, benefits, and other conditions of employment shall be negotiated through their bargaining agent. If they choose not to organize under RSA 273-A or are unsuccessful, their wages, benefits, and terms and conditions of employment shall be determined by the provisions of RSA 490:28.*

5 Court Personnel; Reference to Collective Bargaining Added. Amend RSA 490:28 to read as follows:

490:28 Benefits of Nonjudicial Employees. [~~Notwithstanding any other provision of law~~] **Except as provided in a collective bargaining agreement under RSA 273-A**, full-time nonjudicial employees of the judicial branch shall, effective January 1, 1984, receive all fringe benefits and salary increases as provided for classified state employees including membership in the state retirement system, [~~Blue Cross and Blue Shield coverage~~] **health insurance**, dental insurance, life insurance coverage, and annual and sick leave benefits. Annual and sick leave benefits accumulated by said employees, as a result of service prior to January 1, 1984, shall be transferable under such guidelines as may be established by the supreme court **unless covered in a collective bargaining agreement under RSA 273-A**.

#### HB 130, relative to the maintenance of boundaries and fences. OUGHT TO PASS WITH AMENDMENT

Rep. Ronald Giordano for Municipal and County Government: This bill is the result of a statutory study committee set up in 1998 to update NH laws relating to fences. The bill references RSA 473, relative to the division of fences and their maintenance; RSA 475, relative to fencing waterways; RSA 476, relative to spite fences and RSA 536:4, dealing with unlawful removal of stone walls. The sponsors identified and clarified certain definitions and specified the governing body's jurisdiction relating to fences. The bill changes a spite fence height from 5 to 6 feet, establishes that the penalty for removal of certain materials (stonewalls) will be calculated by current market value and repeals some antiquated laws dealing with fences, renewing bounds of common fields and electric fences. The Committee adopted an amendment to put the phrase "fence viewer" back into RSA 473 for historical continuity. Vote 15-0.

#### Amendment (0309h)

Amend RSA 473:6 as inserted by section 1 of the bill by replacing it with the following:

473:6 Waters as Insufficient Fence. The governing body or fence viewer, upon application of either party, shall view any brook, river, pond, creek or ditch alleged not to be equivalent to a legal and sufficient fence. If they judge it to be not so equivalent, they shall make a division of the fence. If it is impracticable to build the fence on the boundary line without unreasonable cost, the governing body or fence viewer shall determine where it shall be located, and shall give notice to the parties to build it according to such division and location within a specified time period.

Amend RSA 473:8 as inserted by section 1 of the bill by replacing it with the following:

473:8 Appraisal of Fence Constructed or Repaired. The governing body or fence viewer, upon application, shall view any fence built or repaired as provided in RSA 473:5, and if they judge the same and the residue of the fence between the same owners upon the same tract of land to be sufficient, they shall appraise the fence so built or the repairs so made.



Amend RSA 473:11 as inserted by section 1 of the bill by replacing it with the following:

473:11 Appraisal in Default of Agreement. In a division under RSA 473:10, if the parties do not agree, the governing body or fence viewer, on application, shall appraise such part, and the party may recover the value appraised or agreed in an action of assumpsit for so much fence sold, if the same is not paid in 30 days after demand.

Amend RSA 476:1 as inserted by section 3 of the bill by replacing it with the following:

476:1 Fence as Private Nuisance. Any fence or other structure in the nature of a fence, unnecessarily exceeding [5] 6 feet in height, erected or maintained for the purpose of [annoying] *separating* the owners or occupants of adjoining property shall be deemed a private nuisance.

Amend RSA 539:4 as inserted by section 4 of the bill by replacing it with the following:

539:4 Stone, etc.

I. *No person shall negligently dig or carry away any stone, ore, gravel, clay, sand, turf or mold [upon or from land holden in common or from the land of another person, or shall aid therein, shall forfeit to the person injured treble damages, and not more than fifteen dollars] which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.*

II. *In addition to any other civil or criminal penalty allowed by law, any person who violates the provisions of paragraph I shall forfeit to the person injured no less than 3 and not more than 10 times the current market value of all such stone, ore, gravel, clay, sand, turf or mold cut, dug, destroyed, injured, or carried away.*

### **HB 196-L, relative to civil forfeiture for failure to license or renew a dog license. OUGHT TO PASS WITH AMENDMENT**

Rep. Kimberly Dionne for Municipal and County Government: Currently if an owner or keeper of a dog fails to license or renew that dog's license pursuant to RSA 466:1, a \$25.00 fine can be collected by the municipality. Currently if that forfeiture is not paid the town is required to dispose of the case in court and there is no prescribed offense. The proposed amendment changes the requirement of going to court to a discretionary action by the town and the offense is to be treated as a violation, with the fine not to exceed \$100.00. Vote 12-0.

### **Amendment (0268h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the penalty for failure to license a dog or renew a dog license.

Amend the bill by replacing all after the enacting clause with the following:

1 Licensing of Dogs; Penalties. Amend RSA 466:13 to read as follows:

466:13 Forfeiture. Whoever is the owner or keeper of a dog and who fails to license or renew the dog license pursuant to RSA 466:1 shall, after notice provided pursuant to RSA 466:14, forfeit \$25 to the town or city clerk of the municipality in which the dog is kept. If the forfeiture is not made to the town or city clerk within 15 calendar days of the notice of forfeiture, the case [shall] *may* be disposed of in a district court or municipal court *as a violation with a fine not to exceed \$100, notwithstanding the provisions of RSA 651:2, IV.* [This] A forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by RSA 466:1. This section shall also apply to cats, if the municipality licenses cats. Any forfeitures collected under this section may be retained by the city or town for the administration and enforcement of this chapter.

2 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill provides that the owner or keeper of a dog who fails to license a dog or renew a dog license may be guilty of a violation and subject to a fine of not more than \$100, if the owner or keeper fails to pay the \$25 civil forfeiture penalty.

### **HB 247, relative to the election of county commissioners in Carroll County. INEXPEDIENT TO LEGISLATE**

Rep. Richard C. Leone for Municipal and County Government: The bill as proposed would change the way a Carroll County Commissioner would be elected – from county-wide to district-wide. The sponsor testified that the bill did not have support from the Carroll County Delegation and asked that the bill be voted Inexpedient to Legislate. The Municipal and County Government Committee has historically voted to support county specific legislation based on the recommendations of the members of the specific delegations and did not vote to change that tradition. Vote 12-0.

**HB 277-L**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. **OUGHT TO PASS**

Rep. Richard C. Leone for Municipal and County Government: There are laws on the books which neither specify the penalty or offense classification for violation of local ordinances. Some of these are included in the areas of hawkers, peddlers and vendors; regulation of highways, commons and other municipal property and minimum housing standards. This lack of penalty specification has created difficulties for local enforcement officials, often making the requirements of the statutes and ordinances practically unenforceable. HB 277 addresses many of these concerns by adding a blanket provision which says that any statute or municipal enabling statute which doesn't provide for a penalty would constitute a "violation" if someone failed to comply. New Hampshire Municipal Association adopted this policy by its membership at their September 2000 annual conference. The committee found these improvements had significant validity and merit. Vote 12-0.

**HB 330-FN-L**, relative to meetings requested of municipal governing bodies. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia J. Dokmo for Municipal and County Government: The bill would require the governing body of a town, city, school district, or village district to hold a meeting anytime a citizen requests one. The same requirement would be imposed on county commissioners. The impetus of this legislation was an apparent refusal of one board to meet with a legislator regarding an issue of concern to him. Though the Committee believes that governing bodies should make themselves available to their citizens, mandating such meetings is impractical and would create an overwhelming burden on the duties and responsibilities of our volunteer boards. Vote 12-0.

**HB 395**, relative to the time for the first meeting for county conventions following election. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard C. Leone for Municipal and County Government: The timing of the first organizational meeting for the County Delegations is mandated by statute to be the second Wednesday of December of each even numbered year. A number of scheduling and attendance problems arose this past December in some counties. The bill as amended gives flexibility to the Chairman of the Delegation to set the first organizational meeting anytime during the week of the second Wednesday of December of each even numbered year. The amendment specifically states who sets the time and place of the meeting and who is responsible for notifying the House Clerk. Since this gives all the County Delegations a choice, the committee voted Ought to Pass as Amended. Vote 12-0.

#### Amendment (0267h)

Amend RSA 24:9-a as inserted by section 1 of the bill by replacing it with the following:

24:9-a First Meeting. [~~The first meeting of the county convention shall be convened the second Wednesday of December of each even-numbered year, at some convenient place in the county.~~] *The chair of the county delegation shall set the time and place for the first meeting of the county convention to be held during the week of the second Wednesday of December of each even-numbered year and shall notify the clerk of the house of representatives prior to the first Wednesday of December.* The time and place of the meeting shall be announced by the clerk of the house of representatives on the first Wednesday of December of each even-numbered year.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires the chair of the county delegation to set the time and place for the first meeting of the county convention to be held during the week after the legislature's organization day. Current law requires the meeting to be on the Wednesday.

**HB 431**, establishing a committee to study the proceeds from the sale of tax-deeded property. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Bellavance for Municipal and County Government: The purpose of this bill was to establish a study committee to look into the procedure municipalities use regarding tax-deeded property. The procedure was declared to be unconstitutional by the recent Supreme Court decision *Thomas Tool Services Inc. v Town of Croydon*. Based on this ruling the Department of Revenue Administration (DRA) advised the municipalities that they should not deed any property taken as a result of unpaid taxes. After reading the ruling it became evident that the court had not ruled on

the amended procedure as passed by the Legislature in 1998. A clarification of the ruling was requested and the court stated that "the application of the rule announced in this case shall apply to the parties and to any similar cases pending as of the date of this opinion, but not concluded, but shall not be retrospectively applied." When the court did not make any finding specifically regarding the amended procedure, DRA advised that "the tax collectors in cities and towns may now continue the process of delinquent tax collection activities." Since the amended procedure has not been ruled to be unconstitutional, the committee along with the sponsor voted Inexpedient to Legislate. Vote 12-0.

**HB 442**, establishing a study committee to examine the effects of protective custody on county correctional facilities. **OUGHT TO PASS**

Rep. Mary R. Cooney for Municipal and County Government: This bill establishes a study committee to examine the effects of protective custody on county correctional facilities. It was evident from the testimony that persons taken into protective custody and placed in county facilities present a logistical and legal dilemma. Some county correctional facilities are located far from where a person had been taken into custody. Such a person has no legal status and must be released within twenty-four (24) hours. Deputies cannot always transport these individuals back to their local communities. Additionally, there is no legal avenue to place some of these individuals in substance abuse or mental health programs. The committee voted unanimously to pass this bill to study these problems and make recommendations for legislation. Vote 12-0.

**HB 535-FN-A**, relative to thermal imaging cameras for fire departments, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Richard S. Eaton for Municipal and County Government: The purpose of this bill was to implement a grant program to assist local safety officials with acquiring thermal imaging cameras. The sponsor made an excellent presentation for the need and benefit of these cameras. A two-cent increase of the tobacco tax was offered to finance this endeavor. A number of communities have raised funds locally to purchase these cameras, which indicates support at a local level. Municipal and County Government Committee encourages this type of local involvement, instead of the state determining the needs of each community. Although the committee supports the concept and endorses the idea for communities to obtain thermal imaging cameras in the name of safety, support for a two-cent increase in the state tobacco tax would not be feasible at this time. Vote 10-2.

**HB 555-FN-L**, relative to the billing of counties for certain expenses by the department of health and human service. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy M. Scovner for Municipal and County Government: At the present time, there is no time limit as to when the Department of Health and Human Services can bill a county for services rendered. This legislation declares that the department of Health and Human Services shall not bill a county for expenses unless the Department submits an invoice to the county within fifteen (15) months of the date on which said expense was incurred. The Department of Human Services currently has the authority to not pay for services if the state has not been billed within twelve (12) months. This bill extends this same general policy to the counties that pay 25% of the costs of these services. This legislation also changes the date on which monthly payments are due from the counties to the State for services from thirty (30) days to forty-five (45) days of notice. The counties presently are expected to make payments within thirty (30) days. Passing this legislation will simplify the county bookkeeping. Vote 13-0.

#### **Amendment (0349h)**

Amend the bill by replacing section 1 with the following:

I New Paragraph; Payment of Expenses; Counties. Amend RSA 126-A:3 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any provision of law to the contrary, the department shall not require payment and counties shall have no obligation to pay and no cause of action for payment shall be maintained against the counties, for payment for any product or service sold, furnished, or leased to the department or any other person on behalf of the department, unless an invoice for such product or service has been submitted to the counties for payment within 15 months of the date of delivery or provision of the product or service.



## AMENDED ANALYSIS

This bill declares that the department of health and human services shall not bill a county for expenses unless the department submits an invoice to such county within 15 months of the date of incurring such expense.

This bill also changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.  
Referred to Finance.

**HB 192-A**, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: The committee hears individual bills that are properly a bonded capital budget project. This is a bill to reconstruct the foundation of a state office building, and a similar project was submitted by Administrative Services to the Governor for consideration. Although this project was not included in the Governor's Capital Budget, the committee assured the sponsor it will receive serious consideration for inclusion in the capital budget process under HB 25-FN-A. It is the committee's goal to have all bonded capital improvement projects included in the capital budget so individual bills are usually found inexpedient to legislate. Vote 17-2.

**HCR 11**, to evaluate regional transportation infrastructure links. **OUGHT TO PASS**

Rep. Robert R. Rodrigue for State-Federal Relations and Veterans Affairs: HCR11 is a Resolution urging the Federal Highway Administration to study the east-west transportation links from Halifax, Nova Scotia through Quebec and northern New England to the Ontario-Buffalo area. The passage of NAFTA has increased trade and greatly increased associated traffic through the entire region. North Country residents are extremely concerned about the safety of our highways as well as the economic impact of inadequate east-west travel routes. The Committee agreed with the sponsors who feel very strongly that the federal Department of Transportation has an obligation to study this important issue. Testimony at HCR 11's hearing overwhelmingly supported the passage of this resolution. Vote 14-0.

**HB 306-FN**, relative to driver education training reimbursement. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This bill is brought forward again having been vetoed by the Governor in the 2000 Legislative Session. All students who wish to take the driver training course sometimes have to take the course through commercial driving options because of the overload of students in the school-provided courses. All students upon completion of the driver-training course should be eligible for reimbursement from the driver training funds. This bill provides the reimbursement to all students completing the driver-training course. Vote 15-0.  
Referred to Finance.

**HB 317-FN**, revising the New Hampshire Aeronautics Act. **OUGHT TO PASS**

Rep. Robert H. Milligan for Transportation: This bill is a result of the rewrite of Chapter 422 of the New Hampshire Aeronautics Act. The definitions and accentuations of the Federal Aviation Regulations (FARs) are hereby updated to conform to those issued by the Federal Aviation Administration (FAA). These updates are made for the first time since 1941. Registration fees of aircraft in New Hampshire shall have 25% of the fee retained in the municipality where registered. Airman registration will be discontinued in New Hampshire FAA handles. The NH Aeronautics Commission in concert with the Skyhaven Airport Commission operates Skyhaven Airport in Rochester. Vote 15-0.

**HB 609-FN-L**, requiring passengers on school buses to wear seat belts. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders for Transportation: A school bus is considered to be the safest vehicle on the road today. This bill has a fiscal note of \$20,536,000.00. It is estimated that each bus that is not fitted with seat belts would cost \$10,268.00 to retrofit. The committee clearly felt that this would be a clear violation of Article 28-a of the New Hampshire Constitution. Vote 14-0.

**HB 709-FN-A-L**, relative to the cigarette tax and prescription drugs for the elderly and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE**



Rep. Karen K. McRae for Ways and Means: While the end of this legislation is laudable, the means are questionable because another dedicated fund is instituted. The amount of revenues raised by yet another increase in the cigarette tax was not calculated in the fiscal note. However, the historical data on revenues on the increases in this tax in the near recent past show that the revenues are going down due to the decrease in cigarette use even though tax rates are going up. Vote 16-0.

### REGULAR CALENDAR

#### **HB 191**, permitting unmarried adults to adopt jointly. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher J. Seibel for Children and Family Law: The committee felt that this bill would minimize the importance of marriage and the positive effect marriage has on the development of children. The committee was also mindful of Division of Children, Youth and Family's report regarding the overwhelming majority of children that they serve who come from a household that does not involve married adults as parents. Other concerns included the vagueness of the language of this bill and the dilemma the bill would create concerning custody issues when the non-married adopting parents broke up. Vote 10-7.

Rep. Buckley spoke against and yielded to questions.

Rep. Dowling spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

### YEAS 200 NAYS 120

#### YEAS 200

##### BELKNAP

Boyce, Laurie	Czech, Stanley	Holbrook, Robert	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

##### CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Torresen, Gary	

##### CHESHIRE

Avery, Stephen	Burnham, Daniel	Dexter, Judson	Edwards, Dana
Emerson, Susan	Espieffs, Peter	Fairbanks, Chandler	Hunt, John
Roberts, William	Royce, H Charles	Smith, Edwin	

##### COOS

Gallus, John	Horton, Lynn	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

##### GRAFTON

Alger, John	Cobb, John	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

##### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Bouldin, Michael	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Emerton, Lawrence Sr	Fletcher, Richard	Flora, Kathleen	Furman, Christine
Gargas, Carolyn	Golding, William	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith

Holden, Randolph  
L'Heureux, Robert  
Leishman, Peter  
Mercer, Robert  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen

Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Pepino, Leo  
Salts, Greg  
Tahir, Saghir

Jean, Loren  
Leach, Edward  
McHugh, Claire  
Moran, Edward  
Peterson, Andrew  
Sargent, Maxwell  
Thompson, Rob

Kurk, Neal  
Lefebvre, Roland  
Melcher, Harold  
O'Connell, Timothy  
Reeves, Sandra  
Seibel, Christopher  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Hess, David  
Langer, Ray  
Soltani, Tony

Cocord, J D  
Hutchinson, John  
Leber, William  
Swindlehurst, John

Cummings, Raymond  
Kennedy, Richard  
Maxfield, Roy  
Whalley, Michael

Daneault, Gabriel  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Giordano, Ronald  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Sapareto, Frank  
Trueman, Raymond  
Whittier, John

Belanger, Ronald  
Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Gleason, John  
Hutchinson, Karen  
Johnson, Rogers  
Langley, Jane  
McKinney, Betsy  
Palermo, Diane  
Quandt, Matthew  
Sloan, Stephen  
Varrell, Thomas  
Woekel, Ralph

Bishop, Franklin  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Langone, John  
Morse, Charles  
Power, Lucille  
Reardon, Neil  
Stone, Joseph  
Welch, David  
Zolla, William

Bowles, Raimond  
Clark, Vivian  
Dearborn, Bruce  
Downing, Michael  
Gilbert, Karl  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Ruffner, Walter  
Stritch, C Donald  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Twombly, James

Berube, Roger  
McCarthy, Gerald  
Woods, Phyllis

Cossette, Larry  
Musler, George

Ferland, Paul  
Reid, Christopher

### SULLIVAN

Odell, Bob

### NAYS 120

### BELKNAP

Johnson, William

Millham, Alida

Pilliod, James

Wood, Jane

### CARROLL

Dickinson, Howard

Sullivan, P Judith

### CHESHIRE

Allen, Peter  
Pratt, John

McGuirk, Paul  
Richardson, Barbara

Meador, David  
Weed, Charles

Mitchell, McKim  
Zerba, Roger

### COOS

Bradley, Paula

Davis, Perley

Mears, Edgar

### GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Ham, Bonnie  
Pawlek, Marion

**HILLSBOROUGH**

Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond	Cardin, Lori
Clayton, William	Clemons, Jane	Cote, Peter	Duval, Jeffrey
Elliott, Larry	Ford, Nancy	Foster, Linda	Goley, Jeffrey
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaRose, Richard	Lasky, Bette
Lynde, Harold	Martin, Mary Ellen	Messier, Irene	Movsesian, Lori
Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara
Spieß, Paul	Sweeney, Cynthia	Tate, Joan	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Davis, Frank
Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn	French, Barbara
Greco, Vincent	Hager, Elizabeth	Lockwood, Priscilla	MacKay, James
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Kane, Cecelia
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth	Splaine, James
Weatherspoon, Jacquelyne			

**STRAFFORD**

DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Goodwin, Earle
Grassie, Anne	Hughes, Christopher	Kaen, Naida	Knowles, William
Pelletier, Arthur	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Burling, Peter	Cloutier, John	Franklin, Peter	Harris, Joseph
Harris, Sandra	Phinizy, James	Robb, Amy	

and the report was adopted.

**MOTION TO SPECIAL ORDER**

Rep. Ward moved that all Education Committee bills on the Regular Calendar be made a Special Order to the end of today's calendar.

Rep. Burling spoke against and yielded to questions.

Reps. Welch and Whalley spoke in favor.

Adopted.

**HB 207-FN-L**, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity. **OUGHT TO PASS**

Rep. Donald R. Philbrick for Environment and Agriculture: HBs 207, 311 and 439 are all based on the findings and recommendations of the Septage Task Force which was established in 1998, because of concerns that municipalities are not meeting their responsibilities pertaining to septage disposal per RSA 485-A:5b. The conclusion of the Task Force was that there is a severe problem facing New Hampshire pertaining to the handling and disposal of septage. There is a shortage of septic disposal facilities in New Hampshire. Many southern border towns deposit their septage in Lowell and Lawrence, Massachusetts facilities. Those cities could stop accepting New Hampshire septage at any time that would exacerbate the problem and northern towns already have a serious shortage of septic disposal facilities. This bill provides that municipalities may be reimbursed by the state, in addition to other state contributions and within limits of available appropriations, for 10% of the annual amortization charges on eligible costs. These would be costs resulting from the

acquisition and construction of septage and sludge handling and treatment facilities, which result in increased septage handling and/or treatment capacity to meet the septage disposal needs for that municipality. The municipalities would also be reimbursed for 2% of such charges, which result in increased septage handling and/or treatment capacity to meet the septage disposal needs for each additional municipality. Vote 15-0.

Adopted.  
Referred to Finance.

**HB 293, authorizing the production of industrial hemp. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harold P. Melcher for the Majority of Environment and Agriculture: The majority of the committee felt that regardless of the undemonstrated claims of the economic value of hemp crop, it's even more unlikely environmental benefits and the botanical relationship with marijuana, one clear, relevant issue stood out. Hemp is federally illegal without a DEA permit. The bill makes no provision for that but would put the Commissioner of Agriculture up against breaking federal law with every permit he granted. Vote 7-6.

Rep. Derek Owen for the Minority of Environment and Agriculture: The minority for the passage of HB 293 felt that there is still no way hemp should be confused with marijuana. There is no way to produce paper, cloth, rope, food or personal body products, or animal foods or bedding from marijuana plants. Hemp leaves are no substitute for marijuana in that one would only get a headache from smoking it. The 1937 Marijuana Tax Act was not meant to prohibit the growth of hemp, but was meant to derive income from the growth of marijuana. The definition of marijuana does not include the stalks or fiber. The growing of hemp would need a license from the Department of Agriculture, Foods and Markets and also would require the grower to be responsible for annual testing and reporting for THC at harvest time. All this bill does is to allow NH growers to grow hemp if the Drug Enforcement Agency issues a permit. It does not intend to circumvent any Federal laws.

Rep. Owen spoke against and yielded to questions.  
Reps. Martel and Melcher spoke in favor and yielded to questions.  
Rep. Mirski requested a roll call; sufficiently seconded.  
The question being adoption of the majority report.

**YEAS 211 NAYS 114**

**YEAS 211  
BELKNAP**

Boyce, Laurie	Holbrook, Robert	Millham, Alida	Nedeau, Stephen
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

**CARROLL**

Bradley, Jeb	Kenney, Joseph	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torressen, Gary	

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin			

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Gabler, William
Gilman, G Michael	Marshall, Gene	Scanlan, David	Sova, Charles
Ward, Brien	Williams, Burton		



**HILLSBOROUGH**

Allan, Nelson  
 Batula, Peter  
 Bouchard, David  
 Calawa, Leon Jr  
 Coughlin, Pamela  
 Dyer, Merton  
 Flora, Kathleen  
 Gargas, Carolyn  
 Graham, John  
 Herman, Keith  
 Johnson, Lionel  
 LaFlamme, Paul  
 McHugh, Claire  
 Moran, Edward  
 Pepino, Leo  
 Salts, Greg  
 Tahir, Saghir  
 Wheeler, Robert

Alukonis, David  
 Bellavance, Paul  
 Bouldin, Michael  
 Christensen, D L Chris  
 Dionne, Kimberley  
 Elliott, Larry  
 Ford, Nancy  
 Golding, William  
 Greenberg, Gary  
 Holden, Randolph  
 Keye, Harvey  
 LaRose, Richard  
 Melcher, Harold  
 Movsesian, Lori  
 Peterson, Andrew  
 Sargent, Maxwell  
 Tate, Joan

Balboni, Michael  
 Bergeron, Jean-Guy  
 Bragdon, Peter  
 Christiansen, Lars  
 Dokmo, Cynthia  
 Emerton, Lawrence Sr  
 Foster, Linda  
 Gonzalez, Carlos  
 Guinta, Frank  
 Hopper, Gary  
 Kurk, Neal  
 Leach, Edward  
 Mercer, Robert  
 O'Connell, Timothy  
 Reeves, Sandra  
 Seibel, Christopher  
 Thompson, Rob

Balcom, John  
 Bergin, Peter  
 Brundige, Robert  
 Clegg, Robert Jr  
 Drisko, Richard  
 Fletcher, Richard  
 Furman, Christine  
 Goulet, Maurice  
 Hall, Charles  
 Jean, Loren  
 L'Heureux, Robert  
 Martel, Andre  
 Milligan, Robert  
 Pappas, Marc  
 Rowe, Robert  
 Spiess, Paul  
 Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
 Daneault, Gabriel  
 Greco, Vincent  
 L'Heureux, Stephen  
 Maxfield, Roy  
 Rush, Deanna  
 Whalley, Michael

Brewster, Richard  
 Davis, Frank  
 Hager, Elizabeth  
 Langer, Ray  
 Perkins, Randy  
 Seldin, Gloria

Colcord, J D  
 Feuerstein, Martin  
 Hess, David  
 Leber, William  
 Poulin, David  
 Soltani, Tony

Cummings, Raymond  
 Fraser, Leo Jr  
 Hutchinson, John  
 MacKay, James  
 Reardon, Tara  
 Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
 Bridle, Russell  
 Cooney, Richard  
 DiFruscia, Anthony  
 Fesh, Bob  
 Giordano, Ronald  
 Holland, James Jr  
 Johnson, Robert  
 Kobel, Rudolph  
 Major, Norman  
 Morse, Charles  
 Pantelakos, Laura  
 Quandt, Matthew  
 Sloan, Stephen  
 Varrell, Thomas  
 Woekel, Ralph

Belanger, Ronald  
 Camm, Kevin  
 Corbin, Corey  
 Dodge, Robert  
 Flanders, John Sr  
 Gleason, John  
 Hutchinson, Karen  
 Johnson, Rogers  
 Langley, Jane  
 McGuire, Robert  
 Nowe, Ronald  
 Power, Lucille  
 Reardon, Neil  
 Stone, Joseph  
 Welch, David  
 Zolla, William

Bishop, Franklin  
 Chalbeck, Kevin  
 Dalrymple, Janeen  
 Dowling, Patricia  
 Francoeur, Sheila  
 Griffin, Mary  
 Introne, Robert  
 Katsakiores, George  
 Langone, John  
 McKinney, Betsy  
 Packard, Sherman  
 Priestley, Anne  
 Robertson, Carl  
 Stritch, C Donald  
 Weyler, Kenneth

Bowles, Raimond  
 Clark, Martha Fuller  
 Dearborn, Bruce  
 Downing, Michael  
 Gilbert, Karl  
 Hill, Jonathan  
 Itse, Daniel  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Micklon, Stephanie  
 Palermo, Diane  
 Putnam, Ed II  
 Ruffner, Walter  
 Trueman, Raymond  
 Whittier, John

**STRAFFORD**

Albert, Russell  
 Knowles, William  
 Tsiros, William

Berube, Roger  
 McCarthy, Gerald  
 Twombly, James

Cossette, Larry  
 Musler, George  
 Woods, Phyllis

Ferland, Paul  
 Reid, Christopher

**SULLIVAN**

Burling, Peter

Odell, Bob

**NAYS 114****BELKNAP**

Johnson, William

Pilliod, James

Rice, Thomas Jr

Wood, Jane

**CARROLL**

Babson, David Jr	Dickinson, Howard
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**CHESHIRE**

Allen, Peter	Burnham, Daniel	Espiefs, Peter	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Weed, Charles	Zerba, Roger		

**COOS**

Bradley, Paula	Mears, Edgar
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Mirski, Paul	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha			

**HILLSBOROUGH**

Arnold, Thomas Jr	Artz, Lawrence	Baroody, Benjamin	Bruno, Pierre
Buckley, Raymond	Cardin, Lori	Chabot, Robert	Clayton, William
Clemons, Jane	Cote, Peter	Desrosiers, William	Drabinowicz, A Theresa
Duval, Jeffrey	Eaton, Richard	Ginsburg, Ruth	Goley, Jeffrey
Hall, Betty	Jean, Claudette	Konys, Christine	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
McRae, Karen	Messier, Irene	Palangas, Eric	Panagopoulos, Nicholas
Schulze, Joan	Shaw, Barbara	Souza, Kathleen	Sweeney, Cynthia
Vaillancourt, Steve	White, John	Williams, Carol	

**MERRIMACK**

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Fraser, Marilyn
French, Barbara	Kennedy, Richard	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Potter, Frances	Rodd, Beth	Wallner, Mary Jane
Whittemore, James	Winter, Steven	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Vivian	Coes, Betsy	Kane, Cecelia
Norelli, Terie	Pitts, Jacqueline	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Weatherspoon, Jacquelyne		

**STRAFFORD**

Bickford, David	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Goodwin, Earle	Grassie, Anne	Harrington, Michael	Hughes, Christopher
Kaen, Naida	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Cloutier, John	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James	Robb, Amy		

and the majority report was adopted.

**HB 353-FN-A**, relative to diversified agricultural development, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill enables the Department of Agriculture Markets and Food to develop a comprehensive strategic plan to promote and maintain diversified agriculture in New Hampshire. Emphasis will focus on assessing the needs of producers, developing existing and potential markets, and implementing strategies for ongoing support for producers in production, marketing and promotion. Vote 15-0.

**Amendment (0203h)**

Amend the introductory paragraph of section 1 of the bill by replacing it with the following:

1 Purpose and Policy. It is state policy to encourage agricultural development and diversification through several means, including research, promotions, marketing, and assisting individuals and organizations in their efforts to develop and market new agricultural products. New Hampshire agriculture has diversified over the years to encompass numerous commodities and products through the work of agriculturists both large and small, both new and long-established as New Hampshire farmers, and both inexperienced and sophisticated in the efficient production and modern marketing of their commodities. It is therefore the purpose of this act:

Adopted.

Report adopted and referred to Finance.

**HB 183-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill consisted of two parts: part I would have allowed county corrections officers that had prior time in the group I system of the New Hampshire retirement system to purchase that time. The committee removed this section because the time they wanted to buy was prior to the time of their eligibility to purchase group I time into group II. The amendment proposed by the committee would allow them to buy any time in any county that they served between July 24, 1987 and the time the county transferred their correction officers into the group II retirement section. There will be no additional cost to the state or the county as the cost will be borne by the employee and be determined by the actuarial accrued liability methodology. Vote 13-3.

**Amendment (0282h)**

Amend the bill by replacing section 1 with the following:

1 County Corrections Personnel; Purchase of Certain Prior Service; Application to Other Facilities. Amend 2000, 154:1 to read as follows::

154:1 New Hampshire Retirement System; County Corrections Personnel; Eligibility for Purchase of Prior Group I Service as Group II Service. At the time any county elects to transfer the corrections officer personnel employed at its correctional facilities from group I to group II retirement system service under the provisions of RSA 100-A:20, III, any corrections officer, who has prior eligible group I service as a corrections officer in a facility of the county in question, or who has prior group I eligible service as a corrections officer in another county corrections facility in the state may purchase such service as group II service notwithstanding any provisions of RSA 100-A:20, III to the contrary. Provided, however, that the period of the service must have been performed between the dates of July 24, 1987 and the date of the transfer of the corrections positions in the respective counties to group II. A one-time cost of obtaining such prior service credit, determined by the actuarial accrued liability methodology, shall be the responsibility of the member requesting the calculation. An eligible member shall notify the board of trustees of the member's desire to purchase such time and shall purchase such time prior to July 1, 2006.

**AMENDED ANALYSIS**

This bill allows county corrections officers to purchase as group II service, group I service completed before such employment was classified as group II service in any county corrections facility. Adopted.

Report adopted and ordered to third reading.

**HB 560-FN-A**, establishing a contributory judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Lent for Executive Departments and Administration: The Finance Committee studied this bill in the form of HB 735 during the summer of 2000. It proposes a contributory retirement system in which judges contribute 7.5% of their salaries towards the pension and results in a similar defined benefit plan to that which all state employees now have. Currently the judges do not pay into their retirement but must serve until age 65 to receive their retirement benefits. The new plan allows judges who have served with distinction for many years to step down, if they wish, before age 65. The committee is aware that certain information is pending from the IRS concerning this bill, but in the interest of moving along what has been a long process we send the bill out

of committee We are assured that before the bill becomes law a response will come from the IRS, and will be considered in the second committee review by House Finance. The amendment makes a technical correction to the legislation, establishes a sliding scale for younger judges, creating an incentive to them to serve until age 65 on the bench, and provides for full retirement for judges who come to the bench later in their careers. Vote 17-0.

#### **Amendment (0402h)**

Amend RSA 100-C:5 as inserted by section 1 of the bill by replacing it with the following:  
100-C:5 Service Retirement Benefits.

I. Any member who has at least 10 years of creditable service and is at least 55 years of age may retire on a service retirement allowance or a reduced service retirement allowance, upon written application to the board setting forth on what date, not less than 30 days nor more than 90 days subsequent to the filing of the application, the member desires to be retired. During such period of notification, the member may have separated from service.

II. A member may retire on a service retirement allowance equal to 75 percent of the member's final year's salary with 20 years of creditable service. The reduced service retirement allowance shall be equal to the number of years of creditable service multiplied by .0375 multiplied by the member's final year's salary. Under no circumstance shall said service retirement allowance or reduced service retirement allowance exceed 75 percent of the member's final year's salary.

III. Notwithstanding the provisions of paragraphs I and II, a member who is 55 years of age on the date the member retires under paragraph I shall not receive a service retirement allowance greater than 70 percent of the allowance provided in paragraph II. For each year of age over 55 the maximum allowance shall increase by 3 percent of the allowance provided in paragraph II. For a member who is at least 65 years of age and has at least 20 years of creditable service, and who retires pursuant to this section, the retirement allowance for the member shall not be less than 75 percent of the member's final year's salary.

Amend RSA 100-C:8, II as inserted by section 1 of the bill by replacing it with the following:

II. At any time after attainment of age 55, a member who has made such election may apply for and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance or the reduced service retirement allowance payable under RSA 100-C:5, based on the member's age when the vested deferred retirement allowance begins and on the member's final year's salary and creditable service at the time service is terminated.

Adopted.

Report adopted and referred to Finance.

**HB 587-FN-A**, establishing a commission on the status of men, and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William R. Zolla for the Majority of Executive Departments and Administration: This bill establishes a commission to focus on the declining health and responsible social status of men as they go through adolescence on to old age and tries to focus on problems specifically identified to the male gender. Such problems include suicide, failing educational progress, increasing criminal involvement and health problems. The projected life span of men is now 10 years less than that of women whereas at the beginning of the last century the life spans were about equal. The bill has been amended to reflect the fiscal note from the legislative budget office and the requirement that the commission report biennially and if necessary include any recommendations to the general court for its consideration. Vote 10-4.

Rep. Charles Q. Hall for the Minority of Executive Departments and Administration: The minority of the committee agreed the issues described by the study on the status of men were valid. However, this is not the appropriate time to establish a new commission.

#### **Amendment (0364h)**

Amend RSA 19-I:6 as inserted by section 2 of the bill by replacing it with the following:

19-I:6 Report. The commission shall submit a biennial report of its activities on or before November 1 to the governor and council, the commissioner of administrative services, the president of the senate, and the speaker of the house. The report shall include any recommendations the commission finds for the general court to consider.



Amend the bill by replacing section 4 with the following:

4 Appropriation. The sum of \$69,561 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2002 and \$62,008 for the fiscal year ending June 30, 2003 for the purposes of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

### AMENDED ANALYSIS

This bill establishes a commission on the status of men to address issues of cultural bias and stereotyping, health problems unique to men, and methods for encouraging personal growth.

An appropriation for each of the next 2 fiscal years is made from the general fund for the purposes of the commission.

The commission is terminated on September 1, 2009.

Adopted.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

### YEAS 182 NAYS 145

#### YEAS 182

#### BELKNAP

Boyce, Laurie	Johnson, William	Neddeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran
Wood, Jane			

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Allen, Peter	Dexter, Judson	Edwards, Dana	Emerson, Susan
Espiefs, Peter	Hunt, John	McGuirk, Paul	Meador, David
Mitchell, McKim	Richardson, Barbara	Royce, H Charles	

#### COOS

Davis, Perley	Gallus, John	Horton, Lynn	Mears, Edgar
Pratt, Leighton			

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cooney, Mary	Gabler, William	Gilman, G Michael	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Mirski, Paul	Naro, Debra
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda

#### HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Batula, Peter	Bergin, Peter
Bouchard, David	Brundige, Robert	Bruno, Pierre	Chabot, Robert
Christensen, D L Chris	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Coughlin, Pamela	Dionne, Kimberley	Drabinowicz, A Theresa	Duval, Jeffrey
Dyer, Merton	Elliott, Larry	Flora, Kathleen	Ford, Nancy
Foster, Linda	Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Graham, John
Greenberg, Gary	Hall, Betty	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Kurk, Neal	Lefebvre, Roland
Leishman, Peter	Martel, Andre	Mercer, Robert	Messier, Irene
Milligan, Robert	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Pappas, Marc	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Schulze, Joan	Tate, Joan	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Daneault, Gabriel  
Greco, Vincent  
L'Heureux, Stephen  
Owen, Derek  
Yeaton, Charles

Davis, Frank  
Hess, David  
Langer, Ray  
Poulin, David

Fraser, Leo Jr  
Hutchinson, John  
Leber, William  
Rodd, Beth

Fraser, Marilyn  
Kennedy, Richard  
MacKay, James  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Dalrymple, Janeen  
Fesh, Bob  
Giordano, Ronald  
Johnson, Robert  
Langley, Jane  
Nowe, Ronald  
Robertson, Carl  
Splaine, James  
Weyler, Kenneth

Belanger, Ronald  
Clark, Martha Fuller  
Dearborn, Bruce  
Flanders, John Sr  
Gleason, John  
Katsakiores, George  
Letourneau, Robert  
Palermo, Diane  
Sapareto, Frank  
Stritch, C Donald  
Whittier, John

Bishop, Franklin  
Cooney, Richard  
DiFruscia, Anthony  
Francoeur, Sheila  
Griffin, Mary  
Katsakiores, Phyllis  
McGuire, Robert  
Pitts, Jacqueline  
Shultis, Elizabeth  
Varrell, Thomas  
Zolla, William

Blanchard, MaryAnn  
Corbin, Corey  
Downing, Michael  
Gilbert, Karl  
Introne, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Reardon, Neil  
Sloan, Stephen  
Welch, David

**STRAFFORD**

Albert, Russell  
Ferland, Paul  
Musler, George  
Tsiros, William

Berube, Roger  
Goodwin, Earle  
Pelletier, Arthur  
Wall, Janet

Bickford, David  
Hughes, Christopher  
Proulx, Raymond  
Woodill, Rodney

Cossette, Larry  
Kaen, Naida  
Smith, Marjorie  
Woods, Phyllis

**SULLIVAN**

Cloutier, John

Harris, Joseph

Harris, Sandra

Robb, Amy

**NAYS 145****BELKNAP**

Czech, Stanley

Holbrook, Robert

Millham, Alida

Rice, Thomas Jr

**CARROLL**

Sullivan, P Judith

Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Roberts, William

Burnham, Daniel  
Smith, Edwin

Fairbanks, Chandler  
Weed, Charles

Pratt, John  
Zerba, Roger

**COOS**

Bradley, Paula  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Rozeck, Michael

Stohl, Eric

**GRAFTON**

Cobb, John  
Sova, Charles

Giuda, Robert  
Ward, Brien

Nordgren, Sharon  
Williams, Burton

Solow, Martha

**HILLSBOROUGH**

Alukonis, David  
Balcom, John  
Bragdon, Peter  
Christiansen, Lars  
Drisko, Richard  
Goulet, Maurice  
Holden, Randolph  
LaFlamme, Paul

Arnold, Thomas Jr  
Bellavance, Paul  
Buckley, Raymond  
Cote, Peter  
Eaton, Richard  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard

Artz, Lawrence  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Desrosiers, William  
Emerton, Lawrence Sr  
Hall, Charles  
Konys, Christine  
Lasky, Bette

Balboni, Michael  
Bouldin, Michael  
Cardin, Lori  
Dokmo, Cynthia  
Fletcher, Richard  
Herman, Keith  
L'Heureux, Robert  
Leach, Edward

Lynde, Harold  
Melcher, Harold  
Peterson, Andrew  
Spiess, Paul  
Thulander, O Alan

Martin, Mary Ellen  
Moran, Edward  
Seibel, Christopher  
Sweeney, Cynthia  
Wheeler, Robert

McHugh, Claire  
Panagopoulos, Nicholas  
Shaw, Barbara  
Tahir, Saghir

McRae, Karen  
Pepino, Leo  
Souza, Kathleen  
Thompson, Rob

### MERRIMACK

Anderson, Eric  
Colcord, J D  
French, Barbara  
Moore, Carol  
Rush, Deanna  
Whalley, Michael

Bouchard, Candace  
Crosby, Toni  
Hager, Elizabeth  
Perkins, Randy  
Seldin, Gloria  
Whittemore, James

Brewster, Richard  
Cummings, Raymond  
Lockwood, Priscilla  
Potter, Frances  
Soltani, Tony  
Winter, Steven

Clarke, Claire  
Feuerstein, Martin  
Maxfield, Roy  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Bowles, Raimond  
Coes, Betsy  
Holland, James Jr  
Kane, Cecelia  
Morse, Charles  
Power, Lucille  
Ruffner, Walter  
Woekel, Ralph

Camm, Kevin  
Dodge, Robert  
Hutchinson, Karen  
Langone, John  
Norelli, Terie  
Priestley, Anne  
Stone, Joseph

Chalbeck, Kevin  
Dowling, Patricia  
Itse, Daniel  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Trueman, Raymond

Clark, Vivian  
Hill, Jonathan  
Johnson, Rogers  
Micklon, Stephanie  
Pantelakos, Laura  
Quandt, Matthew  
Weatherspoon, Jacquelyne

### STRAFFORD

DeChane, Marlene  
Harrington, Michael  
Rollo, Michael

Dunlap, Patricia  
Knowles, William  
Snyder, Clair

Estabrook, Iris  
McCarthy, Gerald  
Spang, Judith

Grassie, Anne  
Reid, Christopher  
Twombly, James

### SULLIVAN

Burling, Peter

Franklin, Peter

Odell, Bob

Phinizy, James

and the majority report was adopted.  
Referred to Finance.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the House Rules be so far suspended as to permit late reporting of **HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty.

Adopted by the necessary two-thirds.

**HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill will allow the state to pay in addition to workmen's compensation the difference in pay up to the base salary of the state police employee provided the injury is due to a hostile or overt act. The amendment extends this benefit to all state employees. Employees who are injured, but not by a hostile or overt act, will be eligible for workmen's compensation from the state and the difference between it and the employees base salary will be paid from the employees vacation and sick time. Vote 12-1

### Amendment (0434h)

Amend the bill by replacing section 1 with the following:

1 New Section; Compensation for State Employees Injured in Line of Duty. Amend RSA 21-I by inserting after section 43 the following new section:

21-I:43-a Compensation for State Employees Injured in Line of Duty. A state employee who is injured in the line of duty by a hostile or overt act that requires the employee to be hospitalized or renders the employee temporarily unable to perform the duties of his or her position shall not be charged annual leave or sick leave for the time lost due to the injury. During such time, the em-

ployee shall remain on the active payroll. The executive head of the employee's agency shall make the determination as to whether an injury is in the line of duty and due to a hostile or overt act, and, after approval by the governor and council, the determination shall be final. The compensation provided for in this section shall be in addition to any other compensation or remedy available to the employee.

Adopted.

Report adopted and ordered to third reading.

### REGULAR CALENDAR (CONT'D.)

**HB 332-FN-L**, permitting emergency medical care providers to make death pronouncements, relative to payment of autopsy expenses, and eliminating a requirement for an investigation by the medical examiner. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: IN-EXPEDIENT TO LEGISLATE**

Rep. James P. Pilliod for the Majority of Health, Human Services and Elderly Affairs: This bill, as introduced, requested authority for emergency medical providers to make death pronouncements and eliminated requirements for investigation by the medical examiner. A subcommittee, in studying the bill in conjunction with the sponsor and others, concluded that this authority was too broad and the committee recommends an amendment to give authority to the Emergency Medical Services Medical Control Board of the Department of Safety to adopt statewide adult and pediatric resuscitation protocols for licensed emergency medical care providers under RSA 153-A:5, which is authority to promulgate administrative rules. Also, under RSA 153-A:5, this would be by emergency medical care providers under their own licenses or through medical control from a referral facility for the providers. The amendment also clarifies payment responsibility for autopsies by the state, county and Department of Health and Human Services. Vote 9-6.

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This bill in its original form dealt with allowing emergency medical care providers to make death pronouncements, payment of autopsy expenses, and eliminated a requirement for an investigation by the medical examiner. In subcommittee, both the provision of allowing the death pronouncement and doing away with the 24-hour autopsy were rejected. An amendment was then brought which addresses a totally new subject of establishing a right of emergency medical providers to decide when and if to resuscitate an individual. The amendment also included a provision for the Emergency Medical Services Medical Control Board to adopt statewide adult and pediatric resuscitation protocols for licensed emergency medical care providers. While the committee recognizes the service and dedication of emergency personnel, many times as volunteers, there were serious concerns that this subject matter was not part of the public hearing. There were also concerns this could open liability issues for municipalities. The minority strongly believes this amendment should be defeated and that the original bill be defeated and encourages new legislation be filed next month, based on the new subject matter, to allow for a full public hearing and debate.

### Amendment (0235h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Duties of Emergency Medical Services Medical Control Board; Resuscitation Protocols. Amend RSA 153-A:5, III by inserting after subparagraph (g) the following new subparagraph:

(h) Adopt statewide adult and pediatric resuscitation protocols for licensed emergency medical care providers.

2 Autopsy Expenses. RSA 611:17 is repealed and reenacted to read as follows:

611:17 Autopsy Expense. Autopsy expenses shall be morgue costs, microscopic processes, toxicology, and x-ray costs. All claims for autopsy expenses shall be submitted to the office of the chief medical examiner, which shall authorize such claims and submit them for payment as follows:

I. For autopsies ordered by the county attorney, such claims shall be approved by the county attorney and submitted for payment to the county treasurer.

II. For autopsies ordered by the attorney general or the chief medical examiner, such claims shall be submitted for payment to the state treasurer, chargeable to the account of the chief medical examiner's office.



III. For autopsies made at the request of the commissioner of the department of health and human services and conducted in the presence of the medical examiner or designee, such claims shall be submitted for payment to the department of health and human services.

3 Repeal. The following are repealed:

I. RSA 611:7-a, relative to payment of autopsy costs by the department of health and human services.

II. RSA 611-A:9, relative to county liability for expenses of autopsies.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires the emergency medical services medical control board to adopt statewide adult and pediatric resuscitation protocols for licensed emergency medical care providers. The bill also changes the procedures for payment of autopsy expenses by the state and by counties

Adopted.

On a division vote, 239 members having voted in the affirmative and 83 in the negative, the majority report was adopted.

Ordered to third reading.

**HB 538-FN**, requiring photographs on walking disability placards. **INEXPEDIENT TO LEGISLATE**  
Rep. Alida Millham for Health, Human Services and Elderly Affairs: HB 538-FN would require photographs on walking disability placards. The committee is most concerned that abuses of the privilege need to be addressed, but this bill is not the answer. A special subcommittee of the Commission on Disability is working on this very issue. Since this is a complicated issue, the committee felt it would be prudent to let the Commission on Disability find a workable solution and suggest legislation in the future and as soon as possible. Because the problems of abuse are so complex, the prime sponsor of the bill is willing to agree with the committee's decision. Vote 18-1.

Adopted.

**HB 540-FN-A**, relative to prescription benefit management companies and continually appropriating a special fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for the Majority of Health, Human Services and Elderly Affairs: While the committee acknowledges there is a need to find ways to provide access to prescription drugs for low income and uninsured persons, the majority of the committee indicated HB 540-FN is not the answer. To single out the prescription management companies to fund this initiative is not a solution. The state of New Hampshire is working on several initiatives to address these concerns, including an 1115 Medicaid waiver and a tri-state initiative to pool ways to reduce costs. The majority of the committee recommends Inexpedient to Legislate. Vote 10-7.

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This legislation would establish a fund to provide prescription drug assistance to low income individuals and would cover children, as well as, adults. The funding mechanism was proposed to be a 3% surcharge on pharmacy benefit management companies (PBM's) on the gross sales of pharmaceutical drugs in New Hampshire. PBM's are hired by insurance companies to manage their paperwork (claims) and to negotiate price with the pharmaceutical companies. The drug companies then compensate the PBM's with "rebates" as an incentive for the PBM's using their products. This is highly competitive and the sponsor truly feels the cost of the 3% surcharge would be primarily be absorbed by the pharmaceutical companies and/or the profits of the PBM's. Some members of the committee were concerned that this bill should have gone to Ways and Means and were not comfortable voting on a bill, which included a tax. Since this bill has a FN attached, the payment mechanism is what should be looked at in Ways and Means. As a policy committee, the establishment of a fund for prescription coverage for those uninsured should have been the issue. The minority asks that the House defeat the ITL motion and pass the bill to Ways and Means on the tax issue.

Rep. Wendelboe spoke against and yielded to questions.

Rep. Rogers Johnson spoke against.

Reps. Millham and Pilliod spoke in favor.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

**YEAS 259 NAYS 68****YEAS 259****BELKNAP**

Czech, Stanley  
 Millham, Alida  
 Rosen, Ralph

Holbrook, Robert  
 Nedeau, Stephen  
 Russell, David

Johnson, William  
 Pilliod, James  
 Thomas, John

Lawton, David  
 Rice, Thomas Jr  
 Wood, Jane

**CARROLL**

Babson, David Jr  
 Patten, Betsey

Bradley, Jeb  
 Philbrick, Donald

Kenney, Joseph

Mock, Henry

**CHESHIRE**

Allen, Peter  
 Edwards, Dana  
 McGuirk, Paul  
 Royce, H Charles

Avery, Stephen  
 Emerson, Susan  
 Mitchell, McKim  
 Smith, Edwin

Burnham, Daniel  
 Fairbanks, Chandler  
 Richardson, Barbara  
 Zerba, Roger

Dexter, Judson  
 Hunt, John  
 Roberts, William

**COOS**

Bradley, Paula  
 Mears, Edgar  
 Tholl, John Jr

Davis, Perley  
 Pratt, Leighton  
 Woodward, David

Guay, Lawrence  
 Rozek, Michael

Horton, Lynn  
 Stohl, Eric

**GRAFTON**

Almy, Susan  
 Giuda, Robert  
 Nordgren, Sharon  
 Sokol, Hilda  
 Williams, Burton

Benn, Bernard  
 Lovett, Sid  
 Pawlek, Marion  
 Solow, Martha

Cooney, Mary  
 Marshall, Gene  
 Scanlan, David  
 Sova, Charles

Gabler, William  
 Naro, Debra  
 Scovner, Nancy  
 Ward, Brien

**HILLSBOROUGH**

Alukonis, David  
 Baroody, Benjamin  
 Bergin, Peter  
 Bruno, Pierre  
 Christensen, D L Chris  
 Desrosiers, William  
 Duval, Jeffrey  
 Emerton, Lawrence Sr  
 Gargas, Carolyn  
 Gonzalez, Carlos  
 Guinta, Frank  
 Holden, Randolph  
 Keye, Harvey  
 Lasky, Bette  
 McRae, Karen  
 Movsesian, Lori  
 Pappas, Marc  
 Rowe, Robert  
 Seibel, Christopher  
 Sweeney, Cynthia  
 White, John

Arnold, Thomas Jr  
 Batula, Peter  
 Bouchard, David  
 Calawa, Leon Jr  
 Clayton, William  
 Dokmo, Cynthia  
 Dyer, Merton  
 Fletcher, Richard  
 Ginsburg, Ruth  
 Goulet, Maurice  
 Hall, Betty  
 Hopper, Gary  
 Kurk, Neal  
 Leach, Edward  
 Melcher, Harold  
 O'Connell, Timothy  
 Pepino, Leo  
 Salts, Greg  
 Shaw, Barbara  
 Thulander, O Alan  
 Williams, Carol

Artz, Lawrence  
 Bellavance, Paul  
 Bragdon, Peter  
 Cardin, Lori  
 Clemons, Jane  
 Drabinowicz, A Theresa  
 Eaton, Richard  
 Ford, Nancy  
 Golding, William  
 Graham, John  
 Hall, Charles  
 Jean, Claudette  
 L'Heureux, Robert  
 Leishman, Peter  
 Messier, Irene  
 Palangas, Eric  
 Peterson, Andrew  
 Sargent, Maxwell  
 Souza, Kathleen  
 Vaillancourt, Steve

Balcom, John  
 Bergeron, Jean-Guy  
 Brundige, Robert  
 Chabot, Robert  
 Coughlin, Pamela  
 Drisko, Richard  
 Elliott, Larry  
 Foster, Linda  
 Goley, Jeffrey  
 Greenberg, Gary  
 Herman, Keith  
 Johnson, Lionel  
 LaRose, Richard  
 Lynde, Harold  
 Milligan, Robert  
 Panagopoulos, Nicholas  
 Reeves, Sandra  
 Schulze, Joan  
 Spiess, Paul  
 Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
 Crosby, Toni  
 Feuerstein, Martin

Bouchard, Candace  
 Cummings, Raymond  
 Fraser, Leo Jr

Clarke, Claire  
 Daneault, Gabriel  
 Fraser, Marilyn

Colcord, J D  
 Davis, Frank  
 French, Barbara

Greco, Vincent  
Kennedy, Richard  
MacKay, James  
Perkins, Randy  
Rodd, Beth  
Wallner, Mary Jane

Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Potter, Frances  
Rush, Deanna  
Whalley, Michael

Hess, David  
Leber, William  
Moore, Carol  
Poulin, David  
Seldin, Gloria  
Whittemore, James

Hutchinson, John  
Lockwood, Priscilla  
Owen, Derek  
Reardon, Tara  
Swindlehurst, John  
Yeaton, Charles

## ROCKINGHAM

Arndt, Janet  
Bowles, Raimond  
Cooney, Richard  
Dodge, Robert  
Gilbert, Karl  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Packard, Sherman  
Robertson, Carl  
Stone, Joseph  
Weatherspoon, Jacquelyne

Belanger, Ronald  
Camm, Kevin  
Corbin, Corey  
Fesh, Bob  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Morse, Charles  
Power, Lucille  
Shultis, Elizabeth  
Stritch, C Donald  
Welch, David

Bishop, Franklin  
Clark, Martha Fuller  
Dearborn, Bruce  
Flanders, John Sr  
Griffin, Mary  
Kane, Cecelia  
Langone, John  
Norelli, Terie  
Priestley, Anne  
Sloan, Stephen  
Trueman, Raymond  
Whittier, John

Blanchard, MaryAnn  
Coes, Betsy  
DiFruscia, Anthony  
Francoeur, Sheila  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Reardon, Neil  
Splaine, James  
Varrell, Thomas  
Zolla, William

## STRAFFORD

Albert, Russell  
Dunlap, Patricia  
Goodwin, Earle  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Wall, Janet

Berube, Roger  
Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

Bickford, David  
Ferland, Paul  
Harrington, Michael  
McCarthy, Gerald  
Rollo, Michael  
Tsiros, William

DeChane, Marlene  
Gilmore, Gary  
Hughes, Christopher  
Musler, George  
Smith, Marjorie  
Twombly, James

## SULLIVAN

Burling, Peter  
Odell, Bob

Cloutier, John  
Phinizy, James

Harris, Joseph  
Robb, Amy

Harris, Sandra

## NAYS 68

## BELKNAP

Boyce, Laurie

Wendelboe, Fran

## CARROLL

Dickinson, Howard

Sullivan, P Judith

Torresen, Gary

## CHESHIRE

Espiefs, Peter

Meador, David

Pratt, John

Weed, Charles

## COOS

Gallus, John

## GRAFTON

Akins, Ralph  
Ham, Bonnie

Alger, John  
Mirski, Paul

Cobb, John

Gilman, G Michael

## HILLSBOROUGH

Allan, Nelson  
Clegg, Robert Jr  
Flora, Kathleen  
LaFlamme, Paul  
Mercer, Robert  
Thompson, Rob

Balboni, Michael  
Cote, Peter  
Furman, Christine  
Lefebvre, Roland  
Moran, Edward

Buckley, Raymond  
Craig, James  
Jean, Loren  
Martin, Mary Ellen  
Tahir, Saghir

Christiansen, Lars  
Dionne, Kimberley  
Konys, Christine  
McHugh, Claire  
Tate, Joan

**MERRIMACK**

Brewster, Richard

L'Heureux, Stephen

Soltani, Tony

Winter, Steven

**ROCKINGHAM**

Bridle, Russell

Chalbeck, Kevin

Clark, Vivian

Dalrymple, Janeen

Dowling, Patricia

Downing, Michael

Giordano, Ronald

Hill, Jonathan

Hutchinson, Karen

Itse, Daniel

Johnson, Rogers

Langley, Jane

Letourneau, Robert

McGuire, Robert

Micklon, Stephanie

Palermo, Diane

Pitts, Jacqueline

Putnam, Ed II

Quandt, Matthew

Ruffner, Walter

Sapareto, Frank

Weyler, Kenneth

Woekel, Ralph

**STRAFFORD**

Cossette, Larry

Proulx, Raymond

Woods, Phyllis

**SULLIVAN**

Franklin, Peter

and the majority committee report was adopted.

**HB 611-FN-L**, relative to the availability of certain nursing home beds. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee is very supportive of the purpose of this bill, which was to hold a nursing home bed for 5 days when the person occupying it had to leave for emergency treatment. The committee acknowledged that it is sound policy to have such a provision. The difficulty with the bill is that it constituted an article 28-a unfunded mandate: To address this, an amendment was introduced that would have required that a nursing home should be reimbursed at the daily Medicaid rate. At present, the state Medicaid plan does not provide for reimbursement of the cost of vacant beds. If the state plan were amended, 25% of the cost would be charged to the counties, another 28-a problem. The committee also heard testimony that the majority of public and private nursing homes already voluntarily hold beds for clients who require brief hospitalization. Vote 11-2.

Adopted.

**HB 658-FN-A**, relative to the homeless prevention fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill, as amended, creates a fund under the Housing Finance Authority to focus on the prevention of homelessness, particularly of families with small children who are at high risk of losing their housing. This fund would target low-income families and others at risk of becoming homeless. The appropriation for this purpose would be up to one million dollars where private sector funding would provide 75% of the fund, which would be matched by 25% of state funds. Vote 11-0.

**Amendment (0302h)**

Amend the bill by deleting section 2 and renumbering the original section 3-5 to read as 2-4.

Amend the bill by replacing section 3 with the following:

**3 Appropriation.** A sum equal to 25 percent of the total amount of private gifts or contributions in the homelessness prevention fund, not to exceed \$1,000,000, is hereby appropriated for the biennium ending June 30, 2003 to the homeless prevention fund within the housing finance authority for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. **AMENDED ANALYSIS**

This bill appropriates state funds in an amount equal to 25 percent of private donations to the homeless prevention fund.

The bill also makes families who are threatened with homelessness the highest priority of the fund. Adopted.

Report adopted and referred to Finance.

**HB 691-FN-A**, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor. **OUGHT TO PASS**

Rep. Martin Feuerstein for Health, Human Services and Elderly Affairs: This bill requests an appropriation for the 2002-2003 biennium to support the New Hampshire Area Health Education Centers (NHAHEC) in Littleton and Raymond. Littleton serves the four northern counties; Raymond



serves the six southern counties. The AHEC's mission is to improve access to primary care by promoting health careers as a life's work. They provide health education information to over 70,000, high school students who have the potential to become New Hampshire's future health professionals. They also work with health and human service college students. Over 5,000 young students have benefited from the program's recruitment efforts. The program is currently funded by a federal grant of \$1 million per year and in-kind support from participating academic institutions. The bill requests \$200,000 for each year, which will allow a request of matching amounts from the federal government. Ensuring an adequate supply of health professionals for NH is a great challenge. This program will enable many aspiring students to make health care career decisions that can give NH quality health care for the coming years. Vote 12-1.

Adopted.

Referred to Finance.

## **HB 721-FN, relative to the use of marijuana for medicinal purposes. INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: The committee has great compassion for those who feel marijuana could aid in their medical treatment, particularly for nausea and seizures. However, current federal law defines marijuana as a schedule I drug and is defined under the law as having no medical purpose and having a high potential for abuse. The American Medical Association supports scientific research on the benefit of smoked marijuana and further, the AMA supports the development of an inhaled legal form of marijuana under development and the use of a legal drug like Marinol, a currently available pill containing the active ingredients found in marijuana. Federal law does not permit physicians to legally prescribe marijuana nor for it to be dispensed at pharmacies. There is no legal wholesale source of marijuana in the country. This bill would protect from state arrest and prosecution, people using marijuana for medical purposes. However this legislation would not protect those users from federal arrest. The committee is aware that several states, including Maine, have legalized medicinal marijuana, but note that those laws are still in contradiction with federal law. The committee also heard concerns from law enforcement that the bill, as drafted, was unenforceable, allowed patients to grow large amounts of marijuana of indeterminable quality and the bill does not specify where patients could legally obtain seeds or immature plants. Additionally, the subcommittee chair from the Criminal Justice Committee testified about his committees' work on this issue over the past two years. Their committee voted "not recommended for future legislation". For all the above reasons, the committee voted the bill Inexpedient to Legislate. Vote 13-5.

Rep. Vaillancourt spoke against.

Rep. Hopper spoke in favor.

Rep. Tholl spoke in favor and yielded to questions.

Rep. Batula requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## **YEAS 223 NAYS 101**

### **YEAS 223**

#### **BELKNAP**

Boyce, Laurie	Holbrook, Robert	Johnson, William	Lawton, David
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Wendelboe, Fran	Wood, Jane	

#### **CARROLL**

Bradley, Jeb	Kenney, Joseph	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

#### **CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

Rozek, Michael

**GRAFTON**

Akins, Ralph  
Gabler, William  
Lovett, Sid  
Teschner, Douglass

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Ward, Brien

Almy, Susan  
Giuda, Robert  
Scanlan, David  
Williams, Burton

Cobb, John  
Ham, Bonnie  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bergin, Peter  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dokmo, Cynthia  
Eaton, Richard  
Flora, Kathleen  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Claudette  
LaFlamme, Paul  
Lessard, Rudy  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Tate, Joan

Alukonis, David  
Batula, Peter  
Bouchard, David  
Chabot, Robert  
Cote, Peter  
Drabinowicz, A Theresa  
Elliott, Larry  
Ford, Nancy  
Golding, William  
Graham, John  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
McHugh, Claire  
Moran, Edward  
Pepino, Leo  
Salts, Greg  
Spiess, Paul  
Thompson, Rob

Artz, Lawrence  
Bellavance, Paul  
Bragdon, Peter  
Christensen, D L Chris  
Coughlin, Pamela  
Drisko, Richard  
Emerton, Lawrence Sr  
Foster, Linda  
Goley, Jeffrey  
Greenberg, Gary  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
Melcher, Harold  
Movsesian, Lori  
Peterson, Andrew  
Sargent, Maxwell  
Sweeney, Cynthia  
Thulander, O Alan

Balboni, Michael  
Bergeron, Jean-Guy  
Brundige, Robert  
Christiansen, Lars  
Craig, James  
Dyer, Merton  
Fletcher, Richard  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
L'Heureux, Robert  
Leishman, Peter  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Seibel, Christopher  
Tahir, Saghir  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Cummings, Raymond  
Fraser, Leo Jr  
Hutchinson, John  
MacKay, James  
Seldin, Gloria

Bouchard, Candace  
Daneault, Gabriel  
Greco, Vincent  
L'Heureux, Stephen  
Poulin, David  
Swindlehurst, John

Brewster, Richard  
Davis, Frank  
Hager, Elizabeth  
Langer, Ray  
Reardon, Tara  
Whalley, Michael

Clarke, Claire  
Feuerstein, Martin  
Hess, David  
Leber, William  
Rush, Deanna  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Dalrymple, Janeen  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
Pantelakos, Laura  
Reardon, Neil  
Stritch, C Donald  
Weyler, Kenneth

Belanger, Ronald  
Camm, Kevin  
Dearborn, Bruce  
Downing, Michael  
Gilbert, Karl  
Hill, Jonathan  
Johnson, Robert  
Kobel, Rudolph  
McGuire, Robert  
Nowe, Ronald  
Power, Lucille  
Robertson, Carl  
Trueman, Raymond  
Whittier, John

Bishop, Franklin  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Giordano, Ronald  
Holland, James Jr  
Johnson, Rogers  
Langone, John  
McKinney, Betsy  
Packard, Sherman  
Priestley, Anne  
Sloan, Stephen  
Varrell, Thomas  
Woekel, Ralph

Bowles, Raimond  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Gleason, John  
Introne, Robert  
Katsakiores, George  
Letourneau, Robert  
Micklon, Stephanie  
Palermo, Diane  
Quandt, Matthew  
Stone, Joseph  
Welch, David  
Zolla, William

**STRAFFORD**

Albert, Russell  
Goodwin, Earle  
Taylor, Kathleen  
Woods, Phyllis

Berube, Roger  
McCarthy, Gerald  
Tsiros, William

Cossette, Larry  
Musler, George  
Twombly, James

Ferland, Paul  
Reid, Christopher  
Wall, Janet

**SULLIVAN**

Burling, Peter

Cloutier, John

Odell, Bob

Robb, Amy

**NAYS 101****BELKNAP**

Czech, Stanley

Rice, Thomas Jr

Rosen, Ralph

**CARROLL**

Babson, David Jr

Dickinson, Howard

**CHESHIRE**

Allen, Peter  
Meador, David  
Weed, Charles

Burnham, Daniel  
Mitchell, McKim

Espiefs, Peter  
Pratt, John

McGuirk, Paul  
Richardson, Barbara

**COOS**

Bradley, Paula

Gallus, John

**GRAFTON**

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

Mirski, Paul  
Scovner, Nancy

Naro, Debra  
Sokol, Hilda

**HILLSBOROUGH**

Arnold, Thomas Jr  
Clayton, William  
Duval, Jeffrey  
Lasky, Bette  
Messier, Irene  
Shaw, Barbara

Bruno, Pierre  
Clemons, Jane  
Ginsburg, Ruth  
Lefebvre, Roland  
Palangas, Eric  
Vaillancourt, Steve

Buckley, Raymond  
Desrosiers, William  
Johnson, Lionel  
Lynde, Harold  
Panagopoulos, Nicholas  
White, John

Cardin, Lori  
Dionne, Kimberley  
Konys, Christine  
McRae, Karen  
Schulze, Joan  
Williams, Carol

**MERRIMACK**

Colcord, J D  
Kennedy, Richard  
Owen, Derek  
Soltani, Tony

Crosby, Toni  
Lockwood, Priscilla  
Perkins, Randy  
Wallner, Mary Jane

Fraser, Marilyn  
Maxfield, Roy  
Potter, Frances  
Winter, Steven

French, Barbara  
Moore, Carol  
Rodd, Beth  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Coes, Betsy  
Langley, Jane  
Sapareto, Frank

Chalbeck, Kevin  
Cox, Russell  
Norelli, Terie  
Shultis, Elizabeth

Clark, Martha Fuller  
Hutchinson, Karen  
Pitts, Jacqueline  
Splaine, James

Clark, Vivian  
Kane, Cecelia  
Putnam, Ed II  
Weatherspoon, Jacquelyne

**STRAFFORD**

Bickford, David  
Grassie, Anne  
Pelletier, Arthur  
Smith, Marjorie

DeChane, Marlene  
Harrington, Michael  
Pelletier, Marsha  
Snyder, Clair

Dunlap, Patricia  
Hughes, Christopher  
Proulx, Raymond  
Spang, Judith

Estabrook, Iris  
Kaen, Naida  
Rollo, Michael  
Woodill, Rodney

**SULLIVAN**

Franklin, Peter

Harris, Joseph

Harris, Sandra

Phinizy, James

and the committee report was adopted.

# **HB 328-FN-L, relative to fees of sheriffs and deputy sheriffs. OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher P. Reid for Judiciary: The fees charged to litigants by the sheriffs for service of process are intended to cover the county's costs. While the cost of providing this service has increased, the fees have not been increased since 1986. The committee felt that the sheriffs had adequately documented their increased costs. The amendment the committee adopted removes certain language which, is no longer applicable, and because of collection problems at the county level, requires that litigants pay the cost of service up front. Vote 10-3.

## **Amendment (0251h)**

Amend the bill by replacing section 1 with the following:

I Fees of Sheriffs and Deputy Sheriffs Increased; Payment of Fees and Mileage. Amend RSA 104:31 to read as follows:

104:31 Fees of Sheriffs and Deputy Sheriffs. *At the time of the initial request for any of the following services, the required fees and mileage shall be paid.* The fees of sheriffs and deputy sheriffs shall be as follows:

I. For service of every writ, except as otherwise specifically provided, [~~\$10~~] **\$15**; for every service of a writ of possession, \$15; for service of every demand for rent, notice to quit, small claims notice, process, and notice of execution, \$15; and for service of every subpoena, \$15.

II. For service of a bill, libel or petition, [~~\$10~~] **\$15**; provided that service of a libel with restraining order shall be \$25.

III. For making an attachment of personal property or making a bulky attachment, \$15.

IV. In every county for actual travel to serve any writ, notice, subpoena, process or execution, to be reckoned from the place of service to the residence of the officer, and for travel to attend any court by the order thereof, to be reckoned from the residence of the officer to the court, each mile, each way, \$.45.

V. For levying executions, or sheriff sales or both, on the dollar, for the first \$100 levied, \$.04; for all above \$100, and not exceeding \$500, \$.03; for all above \$500, and not exceeding \$1,000, \$.02; for all above \$1,000, \$.01; minimum fee, \$10.

~~[VI. For each day of any session of the superior court, the sheriff shall receive up to \$40 a day; for each day's actual attendance of the superior court by order thereof, each deputy shall receive up to \$40 a day; for each day's actual attendance at supreme court by order thereof, the sheriff and each deputy, up to \$40 a day; in addition, the sheriff and each deputy, traveling expense to attend any court; for attending before a district or municipal court, on trials where a sheriff's or deputy sheriff's presence is required, up to \$25 a day. The fees and expenses listed in this paragraph shall be audited and allowed by the court, to be assumed and paid for by the state upon presentation of the sheriff's or the deputy sheriff's bill. Any fees and expenses which exceed the amounts listed in this paragraph shall be paid out of the county treasury.]~~

~~[VII.]~~ VI. For making copies of writs, each, \$1; *for postage and handling of writs, each, \$1.*

~~[VIII.]~~ VII. For leaving the copy and return required in the attachment of real estate at the office or the dwelling house of a register of deeds, [~~\$10~~] **\$15**.

~~[IX.]~~ VIII. For every service of a writ of attachment with a petition or writ of summons with a petition, [~~\$10~~] **\$15**; for every service of a writ of replevin, [~~\$10~~] **\$15**; for every non est return, [~~\$6~~] **\$10**.

~~[X.]~~ IX. For making a search, for taking an inventory, for conducting a sale or for waiting time, [~~\$10~~] **\$15** per hour in addition to any other fees specified in this section.

~~[XI.]~~ For each day worked by a deputy sheriff employed on a per diem basis for performing such duties as may be assigned by the sheriff, the sum of \$40 a day plus traveling expense to attend to any official business assigned to him as a deputy sheriff.]

~~[XII.]~~ X. The state shall reimburse the sheriff's office, within available funds appropriated by the legislature, \$65 for each full day and \$35 for each half day, plus traveling expenses to attend any official business, for any person employed as a bailiff by the sheriff's office. For the purpose of this paragraph, a half day shall be defined as a day in which a bailiff works 4 hours or less. The state shall reimburse the counties, within available funds appropriated by the legislature, for all costs associated with employing court bailiffs, if those costs are the result of job requirements imposed by federal and state governments.



## AMENDED ANALYSIS

This bill increases certain fees charged by sheriffs and deputy sheriffs and requires such fees and associated mileage to be paid at the time services are requested.

Adopted.

Report adopted and referred to Finance.

**HB 270-FN**, increasing the mileage reimbursement rate for members of the legislature. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Legislative Administration: HB 270 increases the reimbursement rate for legislative mileage. The amendment increases the per mile rate under the State system by 4 cents. The cost of this increase to the state is approximately \$30,000. There is little debate over the fact the current mileage reimbursement rate fails to consider increased costs of travel over the past 20 years. However, to make up for the lack of adjustment for the past 20 years now is irresponsible. The committee agrees that legislative compensation is lacking. The expense to serve as a legislator may be prohibitive to service. Travel, meals, lodging, phone expenses, etc. are all financial burdens our constitutional salary fails to cover. While there may be attempts to increase our mileage reimbursement greater than the 4 cents recommended by the committee amendment, the appropriate mechanism to adjust our compensation to reflect actual expenses can only be done through a constitutional amendment. The committee will be voting on a constitutional amendment later in the session. Vote 9-2.

**Amendment (0283h)**

Amend RSA 14:15-a, I(b)(1) and (2) as inserted by section 1 of the bill by replacing them with the following:

- (1) For the first 45 miles, [~~\$:38~~] **\$.42** per mile; and
- (2) For all miles in excess of 45 miles, [~~\$:19~~] **\$.23** per mile.

Adopted.

Reps. Dickinson and Burling offered a floor amendment (0426h).

**Floor Amendment (0426h)**

Amend the bill by replacing all after the enacting clause with the following:

1 General Court; Travel Allowance to Members. Amend RSA 14:15-a, I, (b)(1) and (2) to read as follows:

(1) For the first 45 miles, [~~\$:38~~] **\$.77** per mile, *provided that no member's reimbursement amount shall be less than \$8*; and

(2) For all miles in excess of 45 miles, [~~\$:19~~] **\$.38** per mile.

2 Application. The rules for travel allowance for members of the general court provided for in RSA 14:15-a, I(b)(1) and (2) as amended by section 1 of this act shall be used for the calculation of reimbursement to members beginning on or after December 4, 2002.

3 Effective Date. This act shall take effect December 4, 2002.

Rep. Dickinson spoke in favor and yielded to questions.

Rep. Herman spoke against and yielded to questions.

Rep. Hopper requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment (0426h).

**YEAS 145 NAYS 184**

**YEAS 145**

**BELKNAP**

Pilliod, James

Rice, Thomas Jr

Rosen, Ralph

Wood, Jane

**CARROLL**

Dickinson, Howard

Sullivan, P Judith

Torresen, Gary

**CHESHIRE**

Allen, Peter

Burnham, Daniel

Emerson, Susan

Espiefs, Peter

McGuirk, Paul

Mitchell, McKim

Pratt, John

Richardson, Barbara

Roberts, William

Weed, Charles

Zerba, Roger

**COOS**

Bradley, Paula	Guay, Lawrence	Pratt, Leighton	Rozek, Michael
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cobb, John	Cooney, Mary
Ham, Bonnie	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha

**HILLSBOROUGH**

Artz, Lawrence	Baroody, Benjamin	Bouchard, David	Buckley, Raymond
Cardin, Lori	Christiansen, Lars	Clayton, William	Clemons, Jane
Cote, Peter	Craig, James	Drabinowicz, A Theresa	Duval, Jeffrey
Elliott, Larry	Ford, Nancy	Ginsburg, Ruth	Goley, Jeffrey
Hall, Betty	Jean, Claudette	Johnson, Lionel	Konys, Christine
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McHugh, Claire	Melcher, Harold	Messier, Irene
Milligan, Robert	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Pepino, Leo	Schulze, Joan	Shaw, Barbara	Spiess, Paul
Sweeney, Cynthia	Tate, Joan	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Brewster, Richard	Clarke, Claire	Colcord, J D	Crosby, Toni
Daneault, Gabriel	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Greco, Vincent	Hager, Elizabeth	Kennedy, Richard	Maxfield, Roy
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Whittemore, James		

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Camm, Kevin
Cooney, Richard	DiFruscia, Anthony	Gilbert, Karl	Gleason, John
Itse, Daniel	Johnson, Robert	Kane, Cecelia	Langley, Jane
Langone, John	Micklon, Stephanie	Pantelakos, Laura	Pitts, Jacqueline
Power, Lucille	Reardon, Neil	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Cossette, Larry	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Kaen, Naida	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Tsiros, William	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Burling, Peter	Cloutier, John	Franklin, Peter	Harris, Joseph
Harris, Sandra	Phinizy, James	Robb, Amy	

**NAYS 184****BELKNAP**

Boyce, Laurie	Czech, Stanley	Holbrook, Robert	Johnson, William
Lawton, David	Millham, Alida	Nedean, Stephen	Russell, David
Thomas, John	Wendelboe, Fran		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen  
Hunt, John

Dexter, Judson  
Meader, David

Edwards, Dana  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

**COOS**

Davis, Perley  
Tholl, John Jr

Gallus, John  
Woodward, David

Horton, Lynn

Stohl, Eric

**GRAFTON**

Akins, Ralph  
Giuda, Robert  
Sova, Charles

Alger, John  
Marshall, Gene  
Teschner, Douglass

Gabler, William  
Mirski, Paul  
Ward, Brien

Gilman, G Michael  
Scanlan, David  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bergin, Peter  
Calawa, Leon Jr  
Coughlin, Pamela  
Drisko, Richard  
Fletcher, Richard  
Gargas, Carolyn  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
Moran, Edward  
Reeves, Sandra  
Seibel, Christopher  
Thulander, O Alan

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Chabot, Robert  
Desrosiers, William  
Dyer, Merton  
Flora, Kathleen  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
O'Connell, Timothy  
Rowe, Robert  
Souza, Kathleen  
Wheeler, Robert

Arnold, Thomas Jr  
Bellavance, Paul  
Brundige, Robert  
Christensen, D L Chris  
Dionne, Kimberley  
Eaton, Richard  
Foster, Linda  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tahir, Saghir

Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Clegg, Robert Jr  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
Mercer, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Thompson, Rob

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
Langer, Ray  
Poulin, David  
Winter, Steven

Bouchard, Candace  
Hess, David  
Leber, William  
Soltani, Tony  
Yeaton, Charles

Cummings, Raymond  
Hutchinson, John  
Lockwood, Priscilla  
Swindlehurst, John

Davis, Frank  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Clark, Martha Fuller  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Norelli, Terie  
Priestley, Anne  
Sloan, Stephen  
Varrell, Thomas  
Whittier, John

Bowles, Raimond  
Clark, Vivian  
Dalrymple, Janeen  
Downing, Michael  
Giordano, Ronald  
Hutchinson, Karen  
Katsakiores, Phyllis  
McGuire, Robert  
Nowe, Ronald  
Putnam, Ed II  
Stone, Joseph  
Weatherspoon, Jacquelyne  
Woekel, Ralph

Bridle, Russell  
Coes, Betsy  
Dearborn, Bruce  
Fesh, Bob  
Griffin, Mary  
Introne, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Stritch, C Donald  
Welch, David

Chalbeck, Kevin  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Hill, Jonathan  
Johnson, Rogers  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Robertson, Carl  
Trueman, Raymond  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Hughes, Christopher  
Smith, Marjorie

DeChane, Marlene  
McCarthy, Gerald  
Twombly, James

Dunlap, Patricia  
Musler, George  
Woods, Phyllis

Harrington, Michael  
Reid, Christopher

**SULLIVAN**

Odell, Bob

and the floor amendment (0426h) failed.

The question being the adoption of the committee report.

Rep. Arnold spoke against.

Rep. Herman spoke in favor.

Rep. Chris Christensen requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 220 NAYS 108****YEAS 220****BELKNAP**

Boyce, Laurie  
Millham, Alida  
Thomas, John

Czech, Stanley  
Pilliod, James

Holbrook, Robert  
Rosen, Ralph

Lawton, David  
Russell, David

**CARROLL**

Dickinson, Howard  
Torresen, Gary

Patten, Betsey

Philbrick, Donald

Sullivan, P Judith

**CHESHIRE**

Allen, Peter  
Emerson, Susan  
Meader, David  
Royce, H Charles

Avery, Stephen  
Fairbanks, Chandler  
Mitchell, McKim  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
Richardson, Barbara  
Weed, Charles

Dexter, Judson  
McGuirk, Paul  
Roberts, William  
Zerba, Roger

**COOS**

Bradley, Paula  
Pratt, Leighton

Davis, Perley  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Nordgren, Sharon  
Sokol, Hilda

Almy, Susan  
Lovett, Sid  
Pawlek, Marion  
Teschner, Douglass

Cooney, Mary  
Marshall, Gene  
Scanlan, David  
Ward, Brien

Gabler, William  
Naro, Debra  
Scovner, Nancy

**HILLSBOROUGH**

Alukonis, David  
Bergin, Peter  
Buckley, Raymond  
Craig, James  
Eaton, Richard  
Foster, Linda  
Goulet, Maurice  
Herman, Keith  
Kony, Christine  
Lefebvre, Roland  
Martin, Mary Ellen  
Messier, Irene  
Pappas, Marc  
Sargent, Maxwell  
Tate, Joan  
Williams, Carol

Artz, Lawrence  
Bouchard, David  
Christensen, D L Chris  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Jean, Claudette  
LaFlamme, Paul  
Leishman, Peter  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Schulze, Joan  
Vaillancourt, Steve

Balcom, John  
Brundige, Robert  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Flora, Kathleen  
Ginsburg, Ruth  
Guinta, Frank  
Jean, Loren  
Lasky, Bette  
Lessard, Rudy  
Melcher, Harold  
Moran, Edward  
Reeves, Sandra  
Shaw, Barbara  
Wheeler, Robert

Batula, Peter  
Bruno, Pierre  
Coughlin, Pamela  
Dyer, Merton  
Ford, Nancy  
Golding, William  
Hall, Charles  
Johnson, Lionel  
Leach, Edward  
Lynde, Harold  
Mercer, Robert  
O'Connell, Timothy  
Rowe, Robert  
Sweeney, Cynthia  
White, John

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Fraser, Leo Jr

Brewster, Richard  
Cummings, Raymond  
Fraser, Marilyn

Clarke, Claire  
Daneault, Gabriel  
French, Barbara

Colcord, J D  
Feuerstein, Martin  
Greco, Vincent



Hager, Elizabeth  
L'Heureux, Stephen  
Moore, Carol  
Poulin, David  
Seldin, Gloria  
Whittemore, James

Hess, David  
Leber, William  
Owen, Derek  
Reardon, Tara  
Swindlehurst, John  
Yeaton, Charles

Hutchinson, John  
MacKay, James  
Perkins, Randy  
Rodd, Beth  
Wallner, Mary Jane

Kennedy, Richard  
Maxfield, Roy  
Potter, Frances  
Rush, Deanna  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
Dodge, Robert  
Francoeur, Sheila  
Holland, James Jr  
Katsakiores, Phyllis  
Letourneau, Robert  
Micklon, Stephanie  
Pantelakos, Laura  
Sloan, Stephen  
Varrell, Thomas

Belanger, Ronald  
Camm, Kevin  
Corbin, Corey  
Dowling, Patricia  
Giordano, Ronald  
Hutchinson, Karen  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Reardon, Neil  
Splaine, James  
Whittier, John

Blanchard, MaryAnn  
Chalbeck, Kevin  
Cox, Russell  
Downing, Michael  
Gleason, John  
Kane, Cecelia  
Langley, Jane  
McGuire, Robert  
Norelli, Terie  
Sapareto, Frank  
Stritch, C Donald  
Zolla, William

Bowles, Raimond  
Clark, Vivian  
Dalrymple, Janeen  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Shultis, Elizabeth  
Trueman, Raymond

### STRAFFORD

Albert, Russell  
Estabrook, Iris  
Kaen, Naida  
Proulx, Raymond  
Tsiros, William

Berube, Roger  
Ferland, Paul  
Musler, George  
Rollo, Michael  
Wall, Janet

Bickford, David  
Goodwin, Earle  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Dunlap, Patricia  
Grassie, Anne  
Pelletier, Marsha  
Spang, Judith

### SULLIVAN

Burling, Peter  
Odell, Bob

Cloutier, John  
Robb, Amy

Harris, Joseph

Harris, Sandra

### NAYS 108

### BELKNAP

Johnson, William  
Wood, Jane

Nedeau, Stephen

Rice, Thomas Jr

Wendelboe, Fran

### CARROLL

Babson, David Jr

Bradley, Jeb

Kenney, Joseph

Mock, Henry

### CHESHIRE

Edwards, Dana

Espiefs, Peter

Pratt, John

### COOS

Gallus, John

Rozek, Michael

### GRAFTON

Alger, John  
Ham, Bonnie  
Williams, Burton

Benn, Bernard  
Mirski, Paul

Cobb, John  
Solow, Martha

Giuda, Robert  
Sova, Charles

### HILLSBOROUGH

Allan, Nelson  
Bellavance, Paul  
Cardin, Lori  
Clemons, Jane  
Drisko, Richard

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Chabot, Robert  
Cote, Peter  
Duval, Jeffrey

Balboni, Michael  
Bragdon, Peter  
Christiansen, Lars  
Desrosiers, William  
Elliott, Larry

Baroody, Benjamin  
Calawa, Leon Jr  
Clayton, William  
Dokmo, Cynthia  
Fletcher, Richard

Gargas, Carolyn  
Hall, Betty  
L'Heureux, Robert  
Palangas, Eric  
Seibel, Christopher  
Thompson, Rob

Goley, Jeffrey  
Holden, Randolph  
LaRose, Richard  
Panagopoulos, Nicholas  
Souza, Kathleen  
Thulander, O Alan

Gonzalez, Carlos  
Hopper, Gary  
McRae, Karen  
Peterson, Andrew  
Spiess, Paul

Greenberg, Gary  
Kurk, Neal  
Movsesian, Lori  
Salts, Greg  
Tahir, Saghir

### MERRIMACK

Bouchard, Candace  
Soltani, Tony

Davis, Frank  
Winter, Steven

Langer, Ray

Lockwood, Priscilla

### ROCKINGHAM

Bishop, Franklin  
DiFruscia, Anthony  
Introne, Robert  
Packard, Sherman  
Priestley, Anne  
Stone, Joseph  
Woekel, Ralph

Clark, Martha Fuller  
Fesh, Bob  
Itse, Daniel  
Palermo, Diane  
Putnam, Ed II  
Weatherspoon, Jacquelyne

Coes, Betsy  
Gilbert, Karl  
Johnson, Robert  
Pitts, Jacqueline  
Quandt, Matthew  
Welch, David

Dearborn, Bruce  
Hill, Jonathan  
Johnson, Rogers  
Power, Lucille  
Robertson, Carl  
Weyler, Kenneth

### STRAFFORD

Cossette, Larry  
McCarthy, Gerald  
Twombly, James

DeChane, Marlene  
Reid, Christopher  
Woods, Phyllis

Harrington, Michael  
Smith, Marjorie

Hughes, Christopher  
Taylor, Kathleen

### SULLIVAN

Franklin, Peter

Phiniza, James

and the committee report was adopted.  
Referred to Finance.

### MOTION TO PRINT DEBATE

Rep. DeChane moved to print the debate on **HB 270-FN**, increasing the mileage reimbursement rate for members of the legislature, in the Permanent Journal.

The motion failed.

### REGULAR CALENDAR (CONT'D.)

**HB 641-FN-A**, relative to a study by the legislature of gender bias in the New Hampshire court system and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Legislative Administration: The committee heard testimony from the sponsor that a constituent had complained that a judge in her district was gender biased. This judge's conduct has been brought to the attention of court and judicial conduct committee. There have been several studies by the court and the New Hampshire Bar on gender bias issues. In addition it was reported that the courts and the New Hampshire Bar conduct an on-going study of gender bias. Vote 11-0.  
Adopted.

**HB 222-FN**, relative to lighting and light pollution. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Municipal and County Government: An in-depth study was completed wherein all aspects of outdoor lighting and lighting pollution were discussed during the 1999-200 session. The Office of State Planning (OSP) as a result of this study prepared a technical bulletin on outdoor lighting. OSP will convene a public meeting in the spring of 2001 to assist local officials in applying suggested procedures in their communities. HB 222 requires the State to use the most efficient, full cut off lamps available. The Department of Transportation (DOT), in its Highway and Bridge Betterment program for FY 2001-02 has included funding for a phased-in street lighting conversion. Although the Committee agreed with the concept of reduced energy costs, reduced night glare and less light pollution, the Committee recognized that immediate implementation of this bill would not be feasible and the proposed phase-in as outlined by DOT is the best way to accomplish the goals of the sponsor in reducing light pollution. Vote 11-5.  
Adopted.

**HB 358-FN**, relative to tolls on the Everett turnpike. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill would allow the Department of Transportation to remove the existing toll plazas on exits 10 and 11 on the F.E. Everett Turnpike in Merrimack, in the event that the Governor and Council eliminated the tolls on these exits. While sympathizing with the residents of Merrimack, the committee felt that this legislation was premature for several reasons. First, the Governor and Council have given no indication that they intend to eliminate the tolls on these exits. Second, these exits were built using bond funds. In order to maintain the necessary reserve stream to pay these bonds, tolls would have to be raised elsewhere on the turnpike system. Third, the committee would like to review the results of the overdue Wilber Smith Study before taking any actions affecting the existing toll system. Finally, if an electronic toll collection system is instituted on the turnpike system, it will require reconstruction of all existing toll plazas and this would be a more appropriate time to consider eliminating any existing toll plazas. Vote 18-0.

Rep. Milligan spoke against.

Rep. Edwin Smith spoke in favor and yielded to questions.

**LAID ON THE TABLE**

Rep. Brundige moved that **HB 358-FN**, relative to tolls on the Everett turnpike, be laid on the table and requested a roll call; sufficiently seconded.

The question being the motion to lay HB 358 on the table.

**YEAS 242 NAYS 83****YEAS 242****BELKNAP**

Czech, Stanley	Johnson, William	Lawton, David	Millham, Alida
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

**CARROLL**

Babson, David Jr	Dickinson, Howard	Mock, Henry	Patten, Betsey
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**CHESHIRE**

Allen, Peter	Avery, Stephen	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler
McGuirk, Paul	Mitchell, McKim	Roberts, William	Royce, H Charles
Smith, Edwin	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Pratt, Leighton	Rozek, Michael	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Cooney, Mary	Gabler, William	Giuda, Robert	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Mirski, Paul	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Sova, Charles	Ward, Brien	

**HILLSBOROUGH**

Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael	Balcom, John
Baroody, Benjamin	Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Cardin, Lori	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clemons, Jane	Cote, Peter	Coughlin, Pamela
Craig, James	Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Eaton, Richard	Emerton, Lawrence Sr

Fletcher, Richard  
Ginsburg, Ruth  
Greenberg, Gary  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Leishman, Peter  
Mercer, Robert  
Movsesian, Lori  
Peterson, Andrew  
Schulze, Joan  
Sweeney, Cynthia  
Wheeler, Robert

Ford, Nancy  
Golding, William  
Guinta, Frank  
Holden, Randolph  
Konys, Christine  
Lasky, Bette  
Lessard, Rudy  
Messier, Irene  
O'Connell, Timothy  
Reeves, Sandra  
Seibel, Christopher  
Tahir, Saghir  
White, John

Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Hopper, Gary  
L'Heureux, Robert  
Leach, Edward  
McRae, Karen  
Milligan, Robert  
Palangas, Eric  
Rowe, Robert  
Shaw, Barbara  
Thompson, Rob  
Williams, Carol

Gargas, Carolyn  
Gonzalez, Carlos  
Hall, Charles  
Jean, Claudette  
LaFlamme, Paul  
Lefebvre, Roland  
Melcher, Harold  
Moran, Edward  
Panagopoulos, Nicholas  
Salts, Greg  
Souza, Kathleen  
Thulander, O Alan

## MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Hutchinson, John  
Lockwood, Priscilla  
Perkins, Randy  
Rodd, Beth  
Whalley, Michael

Brewster, Richard  
Davis, Frank  
French, Barbara  
L'Heureux, Stephen  
MacKay, James  
Potter, Frances  
Rush, Deanna  
Whittemore, James

Clarke, Claire  
Feuerstein, Martin  
Hager, Elizabeth  
Langer, Ray  
Moore, Carol  
Poulin, David  
Seldin, Gloria  
Winter, Steven

Colcord, J D  
Fraser, Leo Jr  
Hess, David  
Leber, William  
Owen, Derek  
Reardon, Tara  
Wallner, Mary Jane  
Yeaton, Charles

## ROCKINGHAM

Arndt, Janet  
Clark, Martha Fuller  
Dalrymple, Janeen  
Dowling, Patricia  
Gilbert, Karl  
Hill, Jonathan  
Johnson, Rogers  
Langley, Jane  
McKinney, Betsy  
Palermo, Diane  
Putnam, Ed II  
Sapareto, Frank  
Stritch, C Donald

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Downing, Michael  
Giordano, Ronald  
Hutchinson, Karen  
Kane, Cecelia  
Letourneau, Robert  
Micklon, Stephanie  
Pantelakos, Laura  
Quandt, Matthew  
Shultis, Elizabeth  
Weyler, Kenneth

Bowles, Raimond  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Itse, Daniel  
Katsakiores, George  
Major, Norman  
Morse, Charles  
Power, Lucille  
Reardon, Neil  
Sloan, Stephen  
Whittier, John

Chalbeck, Kevin  
Cox, Russell  
Dodge, Robert  
Francoeur, Sheila  
Griffin, Mary  
Johnson, Robert  
Katsakiores, Phyllis  
McGuire, Robert  
Norelli, Terie  
Priestley, Anne  
Robertson, Carl  
Stone, Joseph  
Woekel, Ralph

## STRAFFORD

Bickford, David  
Goodwin, Earle  
Pelletier, Marsha  
Spang, Judith  
Woods, Phyllis

Dunlap, Patricia  
Harrington, Michael  
Proulx, Raymond  
Twombly, James

Estabrook, Iris  
Kaen, Naida  
Smith, Marjorie  
Wall, Janet

Gilmore, Gary  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

## SULLIVAN

Burling, Peter  
Odell, Bob

Franklin, Peter  
Phinizy, James

Harris, Joseph  
Robb, Amy

Harris, Sandra

## NAYS 83

## BELKNAP

Boyce, Laurie

Holbrook, Robert

Nedeau, Stephen

Wood, Jane

## CARROLL

Bradley, Jeb  
Torresen, Gary

Kenney, Joseph

Philbrick, Donald

Sullivan, P Judith



**CHESHIRE**

Hunt, John	Meador, David	Pratt, John
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**COOS**

Guay, Lawrence	Stohl, Eric	Tholl, John Jr
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**GRAFTON**

Benn, Bernard	Gilman, G Michael	Solow, Martha	Teschner, Douglass
Williams, Burton			

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Bergin, Peter	Bouchard, David
Clayton, William	Clegg, Robert Jr	Duval, Jeffrey	Dyer, Merton
Elliott, Larry	Flora, Kathleen	Furman, Christine	Goulet, Maurice
Graham, John	Johnson, Lionel	Kurk, Neal	Lynde, Harold
Martin, Mary Ellen	Pappas, Marc	Pepino, Leo	Sargent, Maxwell
Spiess, Paul	Tate, Joan	Vaillancourt, Steve	

**MERRIMACK**

Bouchard, Candace	Crosby, Toni	Cummings, Raymond	Greco, Vincent
Maxfield, Roy	Soltani, Tony	Swindlehurst, John	

**ROCKINGHAM**

Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell	Camm, Kevin
Coes, Betsy	Corbin, Corey	Flanders, John Sr	Holland, James Jr
Introne, Robert	Kobel, Rudolph	Langone, John	Nowe, Ronald
Packard, Sherman	Pitts, Jacqueline	Splaine, James	Trueman, Raymond
Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David	Zolla, William

**STRAFFORD**

Albert, Russell	Berube, Roger	Cossette, Larry	DeChane, Marlene
Ferland, Paul	Grassie, Anne	Hughes, Christopher	McCarthy, Gerald
Reid, Christopher	Rollo, Michael	Taylor, Kathleen	Tsiros, William

**SULLIVAN**

Cloutier, John  
and the motion was adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 547-FN**, authorizing participation in a regional electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles W. Morse for Public Works and Highways: This bill implements EZ-Pass technology. The Department of Transportation has done extensive research on EZ-Pass technology that would replace conventional toll collection equipment. The technology would reduce traffic congestion and improve controls of our highway system. The committee voted overwhelmingly to support this technology. Vote 18-0.

**Amendment (0296h)**

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and referred to Finance.

**HB 537-FN-A**, relative to a dedicated revenue source for the land and community heritage investment program and the state's travel and tourism promotion and development effort. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Stanley E. Czech for the Majority of Resources, Recreation and Development: This bill appropriates \$4 Million dollars from the general fund and invests it in the newly created Travel and

Tourism Development Fund. It is expected that this fund will generate increased revenue to be used to support the land and community heritage fund in perpetuity. The bill also provides a one time appropriation of \$4 Million dollars for fiscal year 2002 to continue support for the land and community heritage trust fund. After that, the trust fund should be fully supported by revenue from the travel and tourism fund as was originally proposed in HB 537-FN-A. The committee amendment removes the reference to the Real Estate Transfer Tax in the original bill and instead builds upon the tourism promotion aspects of the bill. Based upon the conservative estimates from the Department of Resources and Economic Development (DRED), the committee fully expects that the Land and Community Heritage Investment Program (LCHIP) will be fully funded in the second year of this biennium. Further, the amendment will draw on tourism promotion revenues which could in the near future bring in revenues up to \$16 million dollars annually to fund LCHIP. That is \$4 million more than the "full-funding" sought by the original bill. Vote 12-6.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: The bill creating the Land and Community Heritage Investment Program (LCHIP) last session was passed by a vote of 326 to 9. HB 537-FN-A was to fulfill the promise of a permanent and reliable source of revenues through carefully thought-out, revenue-neutral mechanism. The amendment to this bill is a substitute for reliance upon the uncertainty of yearly reconsideration of LCHIP funding through a General Fund appropriation, and cuts it from the necessary \$12 Million to \$4 Million in 2002. LCHIP is a long-term project to preserve our state's rural and historic character, requiring long-term funding. The minority supports the original bill without amendment.

#### **Amendment (0375h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the land and community heritage investment program and the state's travel and tourism promotion and development effort and making appropriations therefor.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. Pursuant to RSA 227-M:1, the general court declares it to be in the public interest to maintain New Hampshire's quality of life and economic vitality through the balancing of growth and development with careful protection of the state's most important natural, cultural, and historical resources. To achieve this balance, the general court has established the land and community heritage investment program under RSA 227-M. The general court recognizes that the success of this program shall depend upon a permanent and reliable source of revenues. The general court further declares it to be in the public interest to secure such funding as is appropriate to fully implement the land and community heritage investment program for the fiscal biennium ending in 2003 and beyond. The general court also recognizes that additional prudent investments in travel and tourism promotion can enhance the state's quality of life and provide significant economic return to the state of New Hampshire. The general court finds that conserving the state's natural, cultural, and historical resources is essential to developing the quality travel and tourism industry that is desired by both the general public and the tourism industry itself. The general court declares it to be in the public interest to secure such funding as is appropriate in order that the division of travel and tourism, department of resources and economic development, can implement an enhanced travel and tourism development program, both for the benefit of the tourism industry and to increase tourism-related revenues to the state to offset increased investments in both the land and community heritage investment program and travel and tourism development.

#### **2 Findings.**

I. In its final report dated November, 1999, the commission to determine the feasibility of a public-private partnership to conserve New Hampshire's priority natural, cultural, and historic resources (the commission), established pursuant to chapter 161 of the laws of 1998, recommended permanent, dedicated funding for the proposed land and community heritage investment program of at least \$12,000,000 annually.

II. Chapter 245 of the laws of 2000 established the land and community heritage investment program and provided a one-time appropriation of \$3,000,000 from the New Hampshire economic development fund established under RSA 12-A:2-e.

III. The mutual interdependence between the vitality of the tourism economy and conservation and preservation of our most important natural, historical, and cultural resources has been widely acknowledged. In May, 1998, more than 70 tourism and other business leaders attending a

tourism summit meeting concluded that: "New Hampshire will only be a good place to visit if it continues to be a good place to live. Visitors will come only if we work proactively to retain our open spaces, rich historic and cultural attractions, and livable communities."

IV. It is generally acknowledged that state investment in travel and tourism development yields significant net returns to state and local revenues. The Institute for New Hampshire Studies at Plymouth State College has determined this return to the state general fund to be \$7.61 for every \$1 invested in travel and tourism promotion and development activities by the division of travel and tourism development. In addition, each \$1 invested returned \$1.52 to local revenues, based on 1998 data.

V. Enhanced state support of travel and tourism development will generate returns on investment sufficient to offset allocation of revenues from the general fund to the purposes set forth in this act.

3 New Section; Department of Resources and Economic Development; Travel and Tourism Development; Travel and Tourism Development Fund. Amend RSA 12-A by inserting after section 43 the following new section:

12-A:43-a Travel and Tourism Development Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the travel and tourism development fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting and developing appropriate travel and tourism initiatives through the division of travel and tourism development and shall not be used for any other purpose. The director of travel and tourism development shall oversee expenditures from the fund. The moneys in the fund shall be non-lapsing and shall be continually appropriated to the department of resources and economic development.

II. The commissioner of resources and economic development shall prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house of representatives, and the governor and council, and filed with the state library. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year.

III. Beginning with fiscal year 2003 and each fiscal year thereafter, all state funding for the development fund shall be by general fund revenues in an amount not less than \$4,000,000. Federal funds accepted by the commissioner and the governor and council for the purposes similar to those of this chapter may be deposited in the fund.

4 Subsequent Funding for the New Hampshire Land and Community Heritage Investment Program. RSA 227-M:7, III is repealed and reenacted to read as follows:

III. Beginning with fiscal year 2003 and each fiscal year thereafter, all state funding for the trust fund shall be by general fund sums in the amount of the increased revenue resulting from expenditures on travel and tourism from the travel and tourism development fund pursuant to RSA 12-A:43-a, as determined by the division of travel and tourism's Travel Economics Report, less the \$4,000,000 to be invested pursuant to RSA 12-A:43-a, III. State funding to the New Hampshire land and community heritage investment program shall not exceed \$16,000,000 per fiscal year. The governor is authorized to draw a warrant from the general fund to satisfy the state's obligation under this section. Federal funds accepted by the committee and the governor and council for the purposes similar to those of this chapter may be deposited in the fund.

5 New Subparagraphs; Travel and Tourism Development Fund; Land and Community Heritage Investment Program. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraphs:

(eeee) Moneys received for deposit in the travel and tourism development fund established by RSA 12-A:43-a, I.

(ffff) Moneys received pursuant to RSA 227-M:7 for deposit in the trust fund for the New Hampshire land and community heritage investment program.

6 Appropriation for the New Hampshire Land and Community Heritage Investment Program. The sum of \$4,000,000 for the fiscal year ending June 30, 2002, is hereby appropriated to the trust fund for the New Hampshire land and community heritage investment program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Appropriation for the Travel and Tourism Development Fund. The sum of \$4,000,000 for the fiscal year ending June 30, 2002, is hereby appropriated to the travel and tourism development fund. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. These funds are in addition to any current funding mechanisms or appropriations.

8 Effective Date. This act shall take effect July 1, 2001.

## AMENDED ANALYSIS

This bill provides funding for the land and community heritage investment program and for travel and tourism development from the general fund through the operating budget. The bill also makes appropriations for the land and community heritage investment program and for travel and tourism development.

Reps. O'Connell and Spang spoke against and yielded to questions.

Reps. Lawton and Scanlan spoke in favor and yielded to questions.

Rep. Royce spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the adoption of the majority amendment.

## YEAS 189 NAYS 137

## YEAS 189

## BELKNAP

Boyce, Laurie	Czech, Stanley	Holbrook, Robert	Lawton, David
Millham, Alida	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

## CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary

## CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin			

## COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

## GRAFTON

Alger, John	Cobb, John	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	

## HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William
Drisko, Richard	Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr
Fletcher, Richard	Flora, Kathleen	Furman, Christine	Golding, William
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Leach, Edward	Lefebvre, Roland
Lessard, Rudy	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Salts, Greg	Sargent, Maxwell	Seibel, Christopher
Souza, Kathleen	Tahir, Saghir	Tate, Joan	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	

## MERRIMACK

Anderson, Eric	Brewster, Richard	Cummings, Raymond	Feuerstein, Martin
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Hutchinson, John



Kennedy, Richard  
Poulin, David  
Whalley, Michael

Langer, Ray  
Reardon, Tara

Leber, William  
Soltani, Tony

MacKay, James  
Swindlehurst, John

## ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
Dearborn, Bruce  
Flanders, John Sr  
Gleason, John  
Hutchinson, Karen  
Johnson, Rogers  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Robertson, Carl  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Francoeur, Sheila  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Sloan, Stephen  
Welch, David

Bishop, Franklin  
Chalbeck, Kevin  
Cox, Russell  
Dowling, Patricia  
Gilbert, Karl  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
McKinney, Betsy  
Palermo, Diane  
Quandt, Matthew  
Stone, Joseph  
Weyler, Kenneth

Bowles, Raimond  
Clark, Vivian  
Dalrymple, Janeen  
Fesh, Bob  
Giordano, Ronald  
Holland, James Jr  
Johnson, Robert  
Kobel, Rudolph  
Morse, Charles  
Power, Lucille  
Reardon, Neil  
Stritch, C Donald  
Woekel, Ralph

## STRAFFORD

Albert, Russell  
Reid, Christopher

Bickford, David  
Tsiros, William

Harrington, Michael  
Twombly, James

Kaen, Naida  
Woods, Phyllis

## SULLIVAN

Odell, Bob

## NAYS 137

## BELKNAP

Johnson, William

Pilliod, James

Wood, Jane

## CARROLL

Bradley, Jeb

## CHESHIRE

Allen, Peter  
Meader, David  
Weed, Charles

Burnham, Daniel  
Mitchell, McKim  
Zerba, Roger

Espiefs, Peter  
Pratt, John

McGuirk, Paul  
Richardson, Barbara

## COOS

Bradley, Paula

Davis, Perley

## GRAFTON

Akins, Ralph  
Ham, Bonnie  
Pawlek, Marion

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

## HILLSBOROUGH

Baroody, Benjamin  
Clayton, William  
Dionne, Kimberley  
Elliott, Larry  
Ginsburg, Ruth  
Johnson, Lionel  
Lynde, Harold  
Movsesian, Lori  
Rowe, Robert  
Sweeney, Cynthia

Bellavance, Paul  
Clemons, Jane  
Dokmo, Cynthia  
Ford, Nancy  
Goley, Jeffrey  
Kony, Christine  
Martin, Mary Ellen  
O'Connell, Timothy  
Schulze, Joan  
White, John

Buckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Foster, Linda  
Hall, Betty  
Lasky, Bette  
Melcher, Harold  
Palangas, Eric  
Shaw, Barbara  
Williams, Carol

Cardin, Lori  
Craig, James  
Duval, Jeffrey  
Gargas, Carolyn  
Jean, Claudette  
Leishman, Peter  
Messier, Irene  
Panagopoulos, Nicholas  
Spiess, Paul

**MERRIMACK**

Bouchard, Candace	Clarke, Claire	Colcord, J D	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Fraser, Marilyn	French, Barbara
Greco, Vincent	L'Heureux, Stephen	Lockwood, Priscilla	Maxfield, Roy
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Winter, Steven	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	DiFruscia, Anthony
Downing, Michael	Kane, Cecelia	Langley, Jane	Langone, John
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Sapareto, Frank	Shultis, Elizabeth	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	

**STRAFFORD**

Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Hughes, Christopher	McCarthy, Gerald	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Burling, Peter	Cloutier, John	Franklin, Peter	Harris, Joseph
Harris, Sandra	Phinizy, James	Robb, Amy	

and the majority amendment was adopted.

Rep. Mirski declared a conflict of interest and did not participate.

The question being the adoption of the majority committee report.

Rep. Scanlan spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the adoption of the majority committee report.

**YEAS 257 NAYS 69****YEAS 257****BELKNAP**

Boyce, Laurie	Czech, Stanley	Holbrook, Robert	Johnson, William
Lawton, David	Millham, Alida	Nedean, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran	Wood, Jane		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
Torresen, Gary			

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Cooney, Mary	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Marshall, Gene	Naro, Debra
Pawlek, Marion	Scanlan, David	Sova, Charles	Teschner, Douglass
Ward, Brien	Williams, Burton		

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Cardin, Lori
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Craig, James	Desrosiers, William	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fletcher, Richard	Foster, Linda	Furman, Christine
Gargas, Carolyn	Golding, William	Goley, Jeffrey	Gonzalez, Carlos
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Betty
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Claudette	Jean, Loren	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lessard, Rudy
Lynde, Harold	Martin, Mary Ellen	McHugh, Claire	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Movsesian, Lori	O'Connell, Timothy	Pappas, Marc
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Seibel, Christopher	Shaw, Barbara	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Wheeler, Robert			

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Clarke, Claire	Colcord, J D
Crosby, Toni	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Fraser, Leo Jr	French, Barbara	Hager, Elizabeth
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Perkins, Randy	Potter, Frances	Poulin, David
Reardon, Tara	Rodd, Beth	Seldin, Gloria	Swindlehurst, John
Whalley, Michael	Whittemore, James	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Chalbeck, Kevin	Clark, Vivian
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia
Downing, Michael	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hill, Jonathan	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Packard, Sherman
Palermo, Diane	Pitts, Jacqueline	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Matthew	Reardon, Neil	Robertson, Carl
Sapareto, Frank	Sloan, Stephen	Splaine, James	Stone, Joseph
Stritch, C Donald	Trueman, Raymond	Varrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Woekel, Ralph	Zolla, William

### STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Ferland, Paul	Gilmore, Gary	Harrington, Michael
Kaen, Naida	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Reid, Christopher	Tsiros, William	Twombly, James	Wall, Janet
Woodill, Rodney	Woods, Phyllis		

### SULLIVAN

Cloutier, John	Franklin, Peter	Odell, Bob
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### NAYS 69

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Allen, Peter	Burnham, Daniel	Espiefs, Peter	McGuirk, Paul
Meader, David	Mitchell, McKim	Pratt, John	Weed, Charles
Zerba, Roger			

### COOS

Pratt, Leighton

### GRAFTON

Benn, Bernard	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solow, Martha			

### HILLSBOROUGH

Bellavance, Paul	Buckley, Raymond	Clayton, William	Clemons, Jane
Cote, Peter	Drabinowicz, A Theresa	Duval, Jeffrey	Eaton, Richard
Flora, Kathleen	Ford, Nancy	Ginsburg, Ruth	Goulet, Maurice
Johnson, Lionel	Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan
Spieß, Paul	Sweeney, Cynthia	Vaillancourt, Steve	White, John
Williams, Carol			

### MERRIMACK

Brewster, Richard	Fraser, Marilyn	Greco, Vincent	Moore, Carol
Owen, Derek	Rush, Deanna	Soltani, Tony	Wallner, Mary Jane
Yeaton, Charles			

### ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Norelli, Terie
Nowe, Ronald	Pantelakos, Laura	Shultis, Elizabeth	Weatherspoon, Jacquelyne

### STRAFFORD

Estabrook, Iris	Goodwin, Earle	Grassie, Anne	Hughes, Christopher
McCarthy, Gerald	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	

### SULLIVAN

Burling, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James
Robb, Amy			

and the majority committee report was adopted.  
 Referred to Finance.  
 Rep. Mirski declared a conflict of interest and did not participate.



Rep. Rollo voted nay and intended to vote yea.

Rep. Fields did not vote and wished to be recorded in favor.

### MOTION TO PRINT DEBATE

Rep. Martha Fuller Clark moved to print the debate on **HB 537-FN-A** in the Permanent Journal. On a division vote, 138 members having voted in the affirmative and 184 in the negative, the motion failed.

### REGULAR CALENDAR (CONT'D.)

**HB 539-FN-A**, creating certain positions within the division of forests and lands and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: HB 539-FN-A will bring significant new forestry support tools to the division of forests and lands and was unanimously supported by the members of the Resources Committee. The committee amendment makes technical corrections as well as reducing the number of new ranger positions from five to three and therefore also reduces the total appropriation from \$1,380,000 to \$1,100,000. The bill creates new positions in the division of forests and lands for: forest rangers; forest resource planner; and data analyst. This bill also provides funding through the division to the UNH cooperative extension for forestry-related work. The committee considered amending the bill to recommend a source of revenue for this initiative. Although, we did not pursue that avenue, it was generally believed that the timber yield tax should be considered as a possible source of funds. Vote 17-0.

#### Amendment (0355h)

Amend paragraph I (b) of section 2 of the bill by replacing it with the following:

(b) Since 1975, the number of timber sales reported has more than doubled, from 2003 in 1975 to 5,754 in 1999. During this same time period, the ranger staff has not grown.

Amend the bill by replacing section 3 with the following:

#### 3 Appropriations.

I. The sum of \$1,100,000 is appropriated for the biennium ending June 30, 2003 and allocated to the division of forests and lands and the university of New Hampshire cooperative extension for the purposes and in the amounts provided in paragraph II. The governor is authorized to draw a warrant for such sums out of any money in the treasury not otherwise appropriated.

#### II.(a) To the division of forests and lands:

(1) For the ranger positions, \$420,000, to be distributed as follows: \$255,000 in fiscal year 2002 for 3 additional ranger positions and associated expenses, and \$165,000 in fiscal year 2003.

(2) For the forest resource planner position, \$120,000, to be distributed as follows: \$60,000 in each fiscal year 2002 and 2003.

(3) For the forest data analyst position, \$100,000, to be distributed as follows: \$50,000 in each fiscal year 2002 and 2003.

(b) To the university of New Hampshire cooperative extension, for the forestry work specified in section 2 of this act, through the division of forests and lands in accordance with RSA 227-I:2, I (c), \$460,000 to be distributed as follows: \$230,000 in each fiscal year 2002 and 2003.

### AMENDED ANALYSIS

This bill creates ranger, forest resource planner, and forest data analyst positions within the division of forests and lands. This bill also makes an appropriation of \$1,100,000 to the division to fund the positions and to the university of New Hampshire cooperative extension for certain forestry work conducted.

Adopted.

Report adopted and referred to Finance.

**HB 592-FN-A**, relative to a milfoil prevention and research grant program and fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bob Odell for Resources, Recreation and Development: HB 592-FN-A creates a critically important milfoil and exotic plants prevention and research grant fund. The fund will be managed by the Department of Environmental Services. Forty-eight New Hampshire lakes are infested with milfoil or other exotic plants; seven new lakes were infested in the last year. The amendment pro-

vides funding through a \$3.00 increase in each boat registration to generate approximately \$300,000 annually. The amendment allocates up to 2/3 of the funds for prevention and the remainder for research. Local lake associations will match prevention grants and research grants will be matched by recipient research organizations. Members of the committee felt strongly that research and prevention programs need to be accelerated to protect lakes from the destructive effects of milfoil and other exotic plant infestation. Vote 17-1.

### Amendment (0380h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a milfoil and other exotic plants prevention and research grant program and fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Milfoil and Other Exotic Plants Prevention and Research Grant Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys collected pursuant to RSA 487:26, which shall be deposited in the milfoil and other exotic plants prevention and research grant fund.

2 New Subparagraph; Boat Registration Fee; Milfoil and Other Exotic Plants Prevention and Research Grant Fund. Amend RSA 270-E:5, II by inserting after subparagraph (e) the following new subparagraph:

(f) \$3 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the milfoil and other exotic plants prevention and research grant fund established under RSA 487:26.

3 New Subdivision; Milfoil and Other Exotic Plants Prevention. Amend RSA 487 by inserting after section 25 the following new subdivision:

#### Milfoil and Other Exotic Plants Prevention

487:26 Milfoil and Other Exotic Plants Prevention and Research Grant Fund. There is hereby established a special fund to be known as the milfoil and other exotic plants prevention and research grant fund. An additional fee of \$3 to those already collected under the provisions of RSA 270-E:5 for each private boat registered shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said additional fees to the state treasurer who shall keep said fees in the special fund established by this section to be expended by the department of environmental services. The purpose of this fund is to provide revenues for the milfoil and other exotic plants prevention and research grant program as provided in this subdivision, and moneys in the fund shall not be available for any other purpose. All moneys deposited in the fund are continually appropriated for the purposes of the milfoil and other exotic plants prevention and research grant program and shall not lapse.

487:27 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to lake associations and towns which seek to administer a milfoil and other exotic plants prevention program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. The grant program shall be funded by the milfoil and other exotic plants prevention and research grant fund, established under RSA 487:26. Up to 2/3 of the moneys distributed from the fund shall be allocated for the purposes of milfoil and other exotic plants prevention programs and the remainder shall be allocated to milfoil and other exotic plants remediation research projects.

487:28 Management Plan. The department of environmental services shall establish a management plan to implement the grant program. The management plan shall include, but not be limited to:

I. Eligibility determination criteria and procedures.

II. Application requirements and procedures.

III. Project selection and prioritization requirements and procedures.

IV. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

487:29 Eligible Applicants; Matching Funds.

I. The department of environmental services shall distribute funds for projects to further the purposes of this chapter only to eligible applicants. Eligible applicants shall include:

(a) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.

- (b) Municipalities or other political subdivisions of the state.
- (c) Institutions of higher learning.
- (d) Departments or organizations within the federal government.

II. All eligible applicants shall provide a minimum level of matching resources equal to 50 percent of the proposed program budget. The cost-sharing match may be met through the use of in-kind services. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and the value of goods and services provided by the applicant.

4 Prospective Repeal; July 1, 2006. The following are repealed:

I. RSA 6:12, I(eeee), relative to the milfoil and other exotic plants prevention and research grant fund.

II. RSA 270-E:5, II(f), relative to the increase in the boat registration fee.

III. RSA 487:26-29, relative to the milfoil and other exotic plants prevention program.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill creates a grant program administered by the department of environmental services for aid to lake associations and towns which seek to administer a milfoil and other exotic plants prevention program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. Eligible applicants are required to provide a minimum resource match of 50 percent of the proposed program budget.

This bill also creates a special milfoil and other exotic plants prevention and research grant fund to provide moneys for the program. Funding for the grant program is provided by an increase to the boat registration fee.

The provisions of the bill are repealed July 1, 2006.

Adopted.

Report adopted and referred to Ways and Means.

### **HB 253-FN, relative to mercury reductions. OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: Mercury is a persistent toxic pollutant that accumulates in the food chain and has significant neurotoxic effects on humans, wildlife and fish. New Hampshire, like other New England states, has advised against eating more than a limited amount of fresh water fish due to Mercury contamination. By December 2005, federal regulations will require that Mercury emission control technology be installed at the waste-to-energy facility in Claremont. This facility serves 15 New Hampshire and 14 Vermont communities. This bill, as amended, would require the facility to meet New Hampshire's more stringent Mercury standard 2-3 years earlier than required by the federal rule. Under the bill, pollution control equipment is expected to be installed by July 2003. Since the NH communities of the NH/VT Solid Waste Project are contractually liable for 34.5% of the operating and maintenance costs associated with any mandated state or federal environmental controls to the facility, this bill would increase costs to the NH communities by \$75,900 per year to meet the earlier emissions limit. This bill establishes a state grant program to reimburse those NH communities for the costs associated with the earlier implementation date required by this bill. The fiscal note estimates those costs as up to \$75,900 in FY 2004 and FY 2005 and \$37,950 in FY 2006. The state grant program would cease after federal regulations require compliance anyway. The committee fully agreed with local residents that preventing Mercury from entering the incinerator through source reduction or recycling would be preferable to reducing Mercury through emission controls after waste is burned. With that in mind, the amendment provides for two compliance alternatives that may eliminate the need for control technology installation. The first alternative allows the commissioner of the Department of Environmental Services (DES) to waive state requirements for the incinerator to install pollution control equipment if the commissioner determines that the plant will close prior to December 2005. The amendment also allows the DES commissioner to waive requirements if the state standard is met and will continue to be met through Mercury source reduction or recycling efforts. Language was also added that said the United States Environmental Protection Agency must also approve any alternative compliance plan in order to protect the interests of the facility owner. Legislation that



passed last session required similar reductions of Mercury at another waste to energy facility in Penacook. Installation of pollution control equipment has successfully reduced emissions of Mercury by over 95% at the Penacook facility. Vote 14-0.

#### Amendment (0345h)

Amend the bill by replacing all after the enacting clause with the following:

1 Mercury Emissions Reduction and Control Program; Reduction of Mercury Emissions from Certain Municipal Waste Combustors. Amend RSA 125-M:3, I to read as follows:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste [~~which is subject to a federal maximum mercury emission rate of 0.08 milligrams per dry standard cubic meter (mg/dscm) or less~~] shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

2 New Paragraph; Mercury Emissions Reduction and Control Program; Rulemaking. Amend RSA 125-M:4 by inserting after paragraph II the following new paragraph:

III. Establishment and administration of the grant program in accordance with RSA 125-M:8.

3 Mercury Emissions Reduction and Control Program; Compliance. RSA 125-M:5 is repealed and reenacted to read as follows:

125-M:5 Compliance.

I. No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter.

II.(a) Any combustor with a design capacity of less than 250 tons per day but not less than 100 tons, in operation as of January 1, 2001, shall submit such plan and application, pursuant to paragraph I, within 3 months after the effective date of this paragraph and shall complete installation and begin operation of the necessary control equipment as expeditiously as possible, but not later than 18 months after receipt of all required state and local permits and approvals. Any such combustor shall demonstrate compliance with the emission limits in RSA 125-M:3, I no later than 21 months after receipt of all required state and local permits and approvals.

(b)(I) An alternative compliance plan for such a combustor may be submitted to the commissioner by interested parties to achieve a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis by means of implementing programs that reduce the amount of mercury in the municipal solid waste that is being burned at the facility. The commissioner shall approve such a plan by May 1, 2002, provided that the commissioner makes a written determination that:

(A) Implementation of the plan will result in a demonstration of achieving a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis no later than November 1, 2003;

(B) The plan does not require the owner of the combustor, unless consented to by the owner, to engage in any activities beyond stack testing for verification of achieving a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, and the possible installation of emission control equipment should the emission rate not be met;

(C) Implementation of the plan is assured through sufficient enforcement mechanisms; and

(D) The plan has been approved by the United States Environmental Protection Agency.

(2) An approved alternative compliance plan shall eliminate the need to comply with the installation and demonstration requirements of subparagraph (a), but does not prohibit the owner of the combustor from installing pollution control equipment in order to comply with federal law.

(3) If stack testing reveals, as determined by the commissioner, that the alternative compliance plan does not achieve the mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, then the owner of the combustor shall submit a plan and application, pursuant to paragraph I, within 3 months of being notified by the commissioner of such determination, and shall complete installation and begin operation of the necessary control equipment as expeditiously as possible, but not later than 18 months after receipt of all required state and local permits and approvals. The combustor shall demonstrate compliance with the emission limits in RSA 125-M:3, I no later than 21 months after receipt of all required state and local permits and approvals.



(c) Any combustor subject to this paragraph shall not be required to comply with the requirements of this chapter, provided the commissioner makes a written determination, based on the review of any pertinent, legal documents or laws, that the combustor is certain to cease operating as a combustor as of December 6, 2005.

(d) The commissioner may delay issuing, until May 1, 2002, a temporary permit that would allow the installation of any necessary emission control equipment, provided the commissioner has reason to believe that by May 1, 2002:

(1) A closure determination, as described in subparagraph (c), will be made that would eliminate the need to install emission control equipment; or

(2) An alternative compliance plan, as described in subparagraph (b), will be approved that would eliminate the need to install emission control equipment, unless the required demonstration of achieving a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis fails, or unless otherwise required by federal law.

4 New Section; Mercury Emissions Reduction and Control Program; Reimbursement of Costs. Amend RSA 125-M by inserting after section 7 the following new section:

125-M:8 Reimbursement of Costs.

I. The department shall reimburse regional refuse disposal districts for certain operating and maintenance costs, owed by New Hampshire municipalities belonging to such regional refuse disposal districts, of mercury emissions control systems in municipal waste combustors subject to RSA 125-M:5, I.

II. The qualifying costs described in paragraph I, which are incurred between the effective date of this section and December 6, 2005, shall be reimbursed in an amount up to \$75,900 each year, with prior approval of the governor and council.

5 Notification of the Act's Provisions. As of the effective date of this act, the commissioner of environmental services shall inform the owner of the Claremont combustor, the NH/VT Solid Waste Project, the Sullivan County Regional Refuse Disposal District, the Southern Windsor/Windham Counties Solid Waste Management District, and the governing bodies and duly appointed representatives of the municipalities that are members of the respective districts of the provisions of this act. The information provided shall include the possibilities, should sufficient evidence be shown, that:

I. The Claremont combustor may not have to comply with the mercury emission limits established by RSA 125-M, provided that the combustor will cease operating as a combustor as of December 6, 2005; and

II. The mercury emissions limits established by RSA 125-M may be met by implementing programs that reduce the amount of mercury in the municipal solid waste that is burned at the facility.

6 Ash Landfill Study; Reporting Date. Amend 1999, 350:2 to read as follows:

350:2 Ash Landfill Study. The department of environmental services shall study the implications of having increased mercury levels in ash in order to ensure maximum protection measures from ash contaminants. The department shall review current environmental protection practices at ash landfills that serve combustors with a design capacity of 100 tons per day or more, including methods used to handle and treat ash, the adequacy of leak detection systems and groundwater monitoring, and the ability to effectively mitigate environmental contamination, if it should occur, to protect drinking water supplies. The department shall report its findings by ~~February 1, 2000~~ *September 1, 2001* to the house science, technology and energy committee, the house environment and agriculture committee, the house resources, recreation and development committee, the senate environment committee, the governor, the state library, the New Hampshire/Vermont Solid Waste Project, all of the municipalities in the Sullivan County Regional Refuse Disposal District, and the Concord Regional Solid Waste/Resource Recovery Cooperative and its member municipalities.

7 Effective Date. This act shall take effect July 1, 2001.

#### AMENDED ANALYSIS

This bill:

I. Sets time frames within which certain municipal waste combustors must comply with mercury emission limits, and provides alternate compliance provisions.

II. Establishes a grant program to reimburse regional refuse disposal districts for certain costs of mercury emissions reduction and control systems.

III. Extends the reporting date of the ash landfill study to September 1, 2001.

Adopted.

Reps. Phinizy and Jeb Bradley spoke in favor and yielded to questions.

Rep. Phinizy requested a roll call; not sufficiently seconded.

On a division vote, 230 members having voted in the affirmative and 76 in the negative, the committee report was adopted.

Referred to Finance.

**HB 274-FN**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: Dioxin is a toxic compound that accumulates in the food chain and poses a significant health risk to humans and wildlife. It is primarily emitted as an unintended byproduct of certain combustion, including the backyard burning of household products. This bill requires the Department of Environmental Services (DES) to develop a dioxin emissions reduction program. It also prohibits the residential burning of domestic waste, which accounts for 17 percent of the dioxin emitted in this state. Residential trash often contains plastics and other materials that, when burned at low temperatures in a backyard barrel, produce dioxin. It should be noted that this bill does not prohibit the backyard burning of brush. Vote 13-0.

### Amendment (0261h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Dioxin Emissions Reduction and Control Program. Amend RSA by inserting after chapter 125-M the following new chapter:

#### CHAPTER 125-N

#### DIOXIN EMISSIONS REDUCTION AND CONTROL PROGRAM

##### 125-N:1 Findings and Purpose.

I. The general court finds that the air pollutant dioxin is a persistent bioaccumulative toxic (PBT) compound that accumulates in the food chain, posing a significant adverse threat to New Hampshire's public health and welfare and to its natural environment, including fish and wildlife. As a potent toxicant, dioxin can cause a number of adverse effects in humans including reproductive and developmental disorders, suppression of the immune system, and cancer.

II. The term "dioxin" actually refers to a group of chemical compounds that share certain similar chemical structures and mode-of-action biological characteristics. There are a total of 17 dioxin-like compounds that are members of 2 closely related families: chlorinated dibenzo-p-dioxins (CDDs) and chlorinated dibenzofurans (CDFs). Although some dioxin is produced naturally, it is mainly emitted as an unintended byproduct of a number of human activities. In the backyard burning of domestic waste, incomplete combustion occurs, resulting in dioxin formation. Dioxin builds up in soils, sediments, and plants; bioaccumulates in animal and fish tissue; and passes up the food chain to humans.

III. The general court further finds that while the majority of dioxin deposited in New Hampshire originates from sources outside of the state, sources within the state also contribute to deposition of dioxin in New Hampshire and in the northeast region. Dioxin emitted by anthropogenic (man-made) sources in New Hampshire comes from a number of sources including the backyard burning of trash and other combustible waste. The general court finds that the department should conduct further research and attempt to quantify the sources of dioxin emitted in New Hampshire.

IV. The general court recognizes the importance of continuing research into the human health and ecological effects of dioxin contamination. The general court also recognizes that due to existing state and federal regulations, releases of dioxin to the environment nationally have declined significantly over the past 25 years, and will continue to decline for some industrial sources as new federal regulations are implemented. Further, the general court recognizes that cost-effective technologies and pollution prevention practices need to be studied, developed and, where appropriate, implemented to reduce dioxin emissions. The general court finds, however, that some steps to reduce the dioxin pollution to which New Hampshire citizens are subjected are readily available, and that such steps should be promptly undertaken. Initial research by the department of environmental services indicates that backyard burning produces 17 percent of the dioxin emitted in New Hampshire. This figure comes from actual testing of pollution emitted by a typical burn barrel, multiplied by an estimated 5,000 such barrels in the state. Fire chiefs surveyed by the department of environmental services reported that there are probably more than 5,000 such barrels, indicating that the 17 percent figure could be low. The general court finds that imposing a ban on

backyard burning of trash and other combustible domestic waste is a readily available step, and as such, represents a prudent policy for the protection of public health and the environment in the state of New Hampshire.

125-N:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of environmental services.

II. "Department" means the department of environmental services.

III. "Person" means any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

IV. "Combustible domestic waste" means combustible waste such as, but not limited to, household trash, packaging materials, plastics, coated or laminated papers, rubber, painted or treated wood, coated or treated cardboard, oily rags, and animal, vegetable, and kitchen waste. The term does not include untreated wood, leaves, or brush generated at a residence.

V. "Stationary source" means "stationary source" as defined in RSA 125-C:2, XI.

125-N:3 Dioxin Emissions Reduction and Control Program.

I. The department shall develop a dioxin emissions reduction and control program. The program shall include, but not be limited to, the following:

(a) Studying the human health and ecological impacts of dioxin emissions and contamination.

(b) Encouraging the development of, and evaluating, technologies and pollution prevention practices, to reduce or eliminate dioxin emissions to the ambient air from stationary sources.

(c) Promoting residential, commercial, and industrial energy efficiency and conservation programs to reduce or eliminate dioxin emissions.

(d) Supporting and encouraging federal legislation to reduce dioxin emissions from motor vehicles and other mobile sources.

(e) Continuing pollution prevention efforts, including recycling and outreach and education efforts, to reduce or eliminate dioxin emissions to the ambient air from municipal waste combustors and medical waste incinerators.

(f) Conducting public education and outreach regarding the public health and environmental impacts of backyard trash burning and other sources of dioxin emissions.

(g) Researching and attempting to quantify the sources of dioxin.

II. The department shall not implement dioxin control programs for stationary and other sources unless it has obtained further legislative authorization for such programs.

125-N:4 Prohibition; Residential Open Burning of Combustible Domestic Waste. Notwithstanding RSA 227-L:17, II, the residential open burning of combustible domestic waste is prohibited.

125-N:5 Education and Enforcement.

I. The commissioner, in consultation with the commissioner of the department of resources and economic development, shall take reasonable measures to educate the public about the environmental impact of backyard burning and the requirements of this chapter.

II. The commissioner and the commissioner of the department of resources and economic development shall have the authority to enforce the provisions of this chapter. Any person who violates the provisions of this chapter shall be guilty of a violation.

III. Nothing in this chapter shall limit any enforcement or penalty provisions contained in RSA 227-L.

2 Effective Date. This act shall take effect January 1, 2002.

Adopted.

Report adopted and ordered to third reading.

## SUSPENSION OF RULES

Reps. Herman and Burling moved that the remaining House Bills on the Regular Calendar from Transportation and Ways and Means, and all bills removed from today's Consent Calendar be made a Special Order for the next session day in their regular calendar order; that all House Bills on the Regular Calendar from the Education Committee be made a Special Order for April 5, 2001 in their Regular Calendar order; and that the rules be so far suspended as to allow action after the deadline on these bills.

Adopted by the necessary two-thirds.



**SPECIAL ORDER FOR NEXT SESSION DAY**

**HB 552-FN-A-L**, restructuring the delivery of a public elementary and secondary education and related educational services in New Hampshire.

**HB 645-FN-A-L**, relative to state aid for provision of an adequate education, and for additional local education tax relief.

**HB 292-FN**, relative to the travel allowance for members of the general court.

**HB 546-FN-A-L**, relative to allowing cities and towns to permit slot machines and other games of chance.

**HCR 10**, supporting the electoral college.

**HB 283-FN**, establishing a low-digit plate lottery for plates reacquired by the department of safety and for low-digit plates not yet issued by the department.

**HB 473-FN**, authorizing the department of safety to issue special amateur radio operator plates.

**HB 474-FN**, relative to motor vehicle plates for firefighters and emergency medical care providers.

**HB 584-FN-A**, relative to the registration and licensure of OHRV dealers and rental agents.

**HB 151**, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted.

**HB 185-FN-L**, repealing the prospective repeals of the education property tax and related laws.

**HB 651-FN-A-L**, authorizing the establishment of state-owned casino and convention center facilities and making an appropriation therefor.

**SPECIAL ORDER TO APRIL 5, 2001**

**HB 290-FN-L**, relative to eliminating adequate education grant weighting for free and reduced-price meals and relative to modifying the formula for weighting certain home schooled pupils.

**HB 298-FN-L**, relative to charter schools.

**HB 515-FN-L**, establishing parental choice scholarships.

**HB 629-FN-A**, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor.

**HB 656-FN-L**, relative to the formula for distributing school building aid grants.

**HB 747-FN-L**, relative to increases in the cost of an adequate education.

**HB 748-FN-A-L**, relative to school building aid grants in the determination of adequate education grants.

**SUSPENSION OF RULES**

Reps. Scanlan and Burling moved that House Rules be so far suspended as to permit late reporting and action after the March 22, 2001 deadline for the following House bills:

**HB 264**, relative to the state treasurer and relative to certain unclaimed or abandoned property.

**HB 404**, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors.

**HB 541-FN**, requiring certain hospitals to provide charity care and continually appropriating a special fund.

**HB 710-FN**, relative to liquor licenses and fees.

**HB 557-FN-A**, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video game players, and video movie player.

**HB 757**, revising the definition of an adequate education; establishing an education improvement fund, and implementing a professional development program and an early literacy initiative within the department of education; and revising the formula to calculate the cost of an adequate.

**HB 426**, relative to the voluntary scrapie flock certification program.

**HB 655-FN-A-L**, establishing an advance disposal fee to fund local mercury presorting and recycling programs.

**HB 728-FN-A-L**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor.

**HB 463-FN**, relative to protective services to adults.

**HB 281-FN**, establishing an independent administrative office of the courts.

**HB 744-FN-A**, establishing a family and disability leave program.

**HB 365-L**, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes.



**HB 439-FN-A**, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Rockingham and Strafford county area.

**HB 601-FN-A-L**, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state.

**HB 316-FN**, establishing the position of state energy manager.

**HB 334-FN-A**, adopting a single sales factor method of apportionment under the business profits tax.

**HB 562-FN-A-L**, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding.

**HB 742-FN-L**, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers.

Adopted by the necessary two-thirds.

## RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 29, 2001.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 156**, relative to the detention of juveniles in delinquency proceedings.

**HB 416**, relative to fire safety inspections for foster family homes.

**HB 112**, establishing a study committee on issues relating to hospital business practices and managed care organizations' networks.

**HB 153**, lowering the minimum medical cost coverage for motor vehicle liability policies.

**HB 315-FN**, relative to the registration of criminal offenders

**HB 181-FN**, relative to group II retirement system membership for police and corrections officers who become police trainers.

**HB 606-FN**, relative to the Christa McAuliffe planetarium.

**HB 504**, establishing a committee to study the feasibility of requesting the fish and game department to develop shooting ranges in each of the wildlife management units

**HB 643-FN**, extending the moratorium on new nursing home beds.

**HB 261-FN**, including the judiciary as a public employer under the public employee labor relations act.

**HB 130**, relative to the maintenance of boundaries and fences.

**HB 196-L**, relative to the penalty for failure to license a dog or renew a dog license.

**HB 277-L**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

**HB 395**, relative to the time for the first meeting for county conventions following election.

**HB 442**, establishing a study committee to examine the effects of protective custody on county correctional facilities

**HCR 11**, to evaluate regional transportation infrastructure links.

**HB 317-FN**, revising the New Hampshire Aeronautics Act.

**HB 183-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

**HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty.

**HB 332-FN-L**, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

**HB 274-FN**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

## PERSONAL PRIVILEGE

Rep. Wendelboe addressed the House.

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages and enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:10 p.m.

**RECESS**

**(Rep. Whalley in the Chair)**

**RESOLUTION**

Rep. Henderson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 769-FN-L, shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First and second reading and referral**

**HB 769-FN-L**, relative to fees paid by municipalities for excavating and dredging permit applications. (Gilmore, Straf 11; Wheeler, Dist 21: Resources, Recreation and Development)

**RECESS**

**(Rep. Whalley in the Chair)**

**RESOLUTION**

Rep. Henderson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 10, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF HOUSE RESOLUTION****First and second reading**

**HR 10**, affirming revenue estimates for fiscal years 2001, 2002 and 2003. (Alukonis, Hill 23)

**RECESS**

**(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 10

Thursday, March 29, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Representative Frances D. Potter.

Holy and Gracious God, Giver of all good things, we offer our praise and thanksgiving for the loveliness and great resources of our state, New Hampshire. Especially this day, we remember the men and women who have preceded us in this House. We are grateful for the example they have set for us in sustaining the liberties and justice of our life together. May we commit ourselves this morning to follow in their steps with thought and carefulness that we may honor Your creation in all that we do. Amen.

Rep. Mitchell led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Brennan, Cardin, Carson, Fields, Lyman, Nordgren, Owen, Mikowski, Patria, Irene Pratt and Carol Ann Williams, the day, illness.

Reps. Duval, Gabler, Gile, Stephen L'Heureux, Lessard, Martin and Burton Williams, the day, important business.

Rep Naro, the day, death in the family.

### INTRODUCTION OF GUESTS

Anthony Curran, guest of Rep. Reid. Ken Sheffert, guest of Reps. Woekel and Saia. Former Representative Richard Doucette, guest of Rep. Batchelder. Jamie Rogers, daughter of Rep. Phyllis Woods. Michael Dodge, son of Rep. Dionne and nephew of Rep. Elliott. Members of the National Junior Honor Society from the Rochester Middle School and Superintendent Raymond Yeagle, guests of Rep. Grassie. Moultonborough Academy's 1999-2000 Girls Softball Class S Champions, 1999-2000 Boys Baseball Class S Champions and 2000-2001 Girls Volley Ball Class S Champions, guests of Rep. Patten.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 563**, requiring drivers to carry automobile insurance and permitting drivers to choose the amount of uninsured motorist insurance that they carry, removed by Rep. Arnold.

**HB 355**, relative to the contents of the department of education report on the condition of education statewide, removed by Rep. Arthur Pelletier.

**HB 692**, relative to the use of psychological testing and psychiatric drugs in schools, removed by Rep. Christiansen.

**HB 428**, relative to claims against the state by certain victims of Judge John C. Fairbanks, removed by Rep. Mirski.

**HB 685-FN**, allowing pregnant women to use parking spaces reserved for persons with disabilities, removed by Rep. Kenney.

**HB 338-FN-A**, increasing the rate of the meals and rooms tax, removed by Rep. Vaillancourt.

Consent Calendar adopted.

**HB 210-FN**, relative to the penalties for persons convicted of subsequent DWI offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill will increase the penalty for the 4th DWI conviction to a felony. The committee felt that a 4th DWI is definitely a public safety issue, and longer-term incarceration with mandated treatment during that incarceration should be an option for the courts. There were approximately 14 persons convicted of their 4th DWI in 2000. The committee also recognizes the seriousness of alcoholism as a disease, and the need for earlier intervention and better treatment programs to possibly even eliminate the incidences of 4th

DWI convictions. There presently exists a legislative committee studying the complete issue of DWI, and the Criminal Justice and Public Safety Committee was assured that treatment intervention is a significant and serious subject in that study committee. This bill also increases the time period which is considered for prior offenses from 7 to 10 years. Vote 13-1.

#### Amendment (0392h)

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 5-6, respectively:

3 Motor Vehicles; Rules of the Road; Serious Traffic Offenses; Penalties for Intoxication or Under Influence of Drug Offenses; Prior Convictions Considered. Amend RSA 265:82-b, III to read as follows:

III. If any person is convicted of a violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, and the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within ~~the 7-year period~~ **10 years preceding the date of the offense**, the person's driver's license or privilege to drive shall be revoked for not less than 180 days nor more than 3 years. The license shall not be restored until the person has successfully completed a 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention, as provided in RSA 172-B:2-b and RSA 263:65-a, at the person's own expense. The court may order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

4 Motor Vehicles; Habitual Offenders; Penalty. Amend RSA 262:23, III to read as follows:

III. Notwithstanding paragraph I, any person ~~who qualifies under RSA 259:39, who does not have a conviction~~ **under current certification as an habitual offender pursuant to RSA 262:19, and whose motor vehicle record from this state or any other state is void of any convictions** under RSA 265:82 **or under reasonably equivalent offenses in an out-of-state jurisdiction**, or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, shall not be subject to the minimum mandatory provisions of paragraph I; provided, however, that any such person shall be guilty of a class A misdemeanor and may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

#### AMENDED ANALYSIS

This bill changes the penalty for fourth or subsequent violations of the intoxication or under the influence of drug laws from a misdemeanor to a felony. This bill also extends the period of time which may be considered in determining prior offenses from 7 years to 10 years, and clarifies the applicability of habitual offender penalties.

This bill is a request of the committee established by 1999, 334.

#### HB 271, relative to criminal liability for the conduct of another. OUGHT TO PASS WITH AMENDMENT

Rep. Kathleen M. Flora for Criminal Justice and Public Safety: This bill specifically clarifies the legislative intent underlying RSA 626:8 IV, criminal liability for the conduct of another, to reflect the purpose expressed in the model penal code upon which it is based. Under HB 271, an accomplice can be charged as such if the result of his or her actions was reasonably foreseeable and the accomplice acted with the state of mind required for the offense. Vote 15-1.

#### Amendment (0363h)

Amend the bill by replacing all after the enacting clause with the following:

1 Criminal Code; Criminal Liability for the Conduct of Another. Amend RSA 626:8, IV to read as follows:

IV. ~~When~~ **Notwithstanding the requirement of a purpose as set forth in paragraph III(a), when** causing a particular result is an element of an offense, an accomplice in the conduct causing such result is an accomplice in the commission of that offense, if he acts with the kind of culpability,



if any, with respect to that result that is sufficient for the commission of the offense. *In other words, to establish accomplice liability under this section, it shall not be necessary that the accomplice act with a purpose to promote or facilitate the offense. An accomplice in conduct can be found criminally liable for causing a prohibited result, provided the result was a reasonably foreseeable consequence of the conduct and the accomplice acted purposely, knowingly, recklessly, or negligently with respect to that result, as required for the commission of the offense.*

2 Effective Date. This act shall take effect January 1, 2002.

#### AMENDED ANALYSIS

This bill clarifies the legislative intent underlying RSA 626:8, IV to reflect the purpose expressed in the model penal code, upon which it is based.

**HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: House Bill 475 is the result of a 2-year statutory study on sex offender issues. Prosecuting attorneys and defense attorneys, their clients, and advocates on both sides of the issue, agree that a statewide protocol for interviewing alleged victims is a necessity. This bill, as amended, establishes a commission representing the interests of all parties to establish that protocol, which will include: procedures for avoiding multiple interviews; requiring that interviews are conducted by a certified forensic interviewer; procedures to ensure the audio taping and videotaping of the interviews; and other details important to an effective system ensuring the rights and sensitivities of all concerned. The commission will develop and design a state certification policy for forensic interviewers. This protocol, when put into effect, will go a long way toward protecting the rights of the accused, and in protecting the alleged victim from further psychological 'abuse' at the hand of an inexperienced interviewer. When the commission has completed its work, legislation will be filed to implement it. Vote 16-0.

#### Amendment (0171h)

Amend paragraph I of section 2 of the bill by inserting after subparagraph (o) the following new subparagraphs:

(p) One therapist specializing in child development and child abuse assessment, appointed by the chairperson or other appointing authority of the attorney general's task force on child abuse and neglect.

(q) One district court judge appointed by the administrative justice of the district court.

**HB 349-L**, relative to parental choice in public education. **INEXPEDIENT TO LEGISLATE**

Rep. Charles B. Yeaton for Education: The Education committee found several problems with this bill. There is the question as to whether it presents a 28-a problem. The bill also does not limit the abatements to non-sectarian schools, which could raise a question of constitutionality. By granting a fixed abatement of 10% of a resident's property tax, these abatements would give greater amounts to those who need it the least. There are others who object to providing public funds for private school education. Vote 16-0.

**HB 594**, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors.

#### OUGHT TO PASS

Rep. Charles E. Sova for Education: The committee felt that further study of this matter was warranted, especially since it involves not only educational issues, but criminal justice and juvenile law issues as well. The committee recommends that the Speaker appoint one House member from each of the Education, Criminal Justice and Public Safety and Children and Family Law Committees to the study committee so that each point of view is represented. Vote 17-0.

**HB 726-L**, relative to change of school assignment and transfers of public school pupils. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Alger for Education: This bill allows flexibility for superintendents to agree on moving a few students (less than 1% of a district), with parental support, between school districts or SAU's where it is in the best interest of the student. There was strong bipartisan support for the bill to

help resolve the few student placements expeditiously without public hearings. School Boards are free to control the practice and the bill is deliberately set to be law on January 1, 2002, to give superintendents and school boards time to learn of the law before it becomes effective. Vote 15-2.

### Amendment (0305h)

Amend the bill by replacing all after the enacting clause with the following:

I Change of School or Assignment; Section Heading Amended. Amend the section heading in RSA 193:3 to read as follows:

193:3 Change of School or Assignment; *Manifest Educational Hardship or Best Interest*; Excusing Attendance.

2 New Paragraph; Change of School or Assignment; Best Interest Standard Inserted. Amend RSA 193:3 by inserting after paragraph II the following new paragraph:

III.(a) Unless the school board of a school district adopts a policy to the contrary, a superintendent shall have the authority to reassign a pupil from the public school to which the pupil is assigned to another public school within the same school administrative unit, or to approve a request to accept the transfer of a pupil from another superintendent's school administrative unit, provided that the following conditions are met:

(1) The pupil's parent or legal guardian petitions the superintendent for a change of school assignment or consents to the superintendent's recommendation for such a change; and

(2) The superintendent determines that such a change would be in the pupil's best interest; and

(3) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater.

(b) In accordance with the number of pupils authorized in this paragraph, a superintendent may approve reassignment of a pupil:

(1) To another school within the same school district; or

(2) To another school district within the same school administrative unit; or

(3) To a school district in another school administrative unit, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the superintendent of the receiving school administrative unit.

(c) Where such reassignment exceeds the percentage limitations established in this paragraph, the approval of the school board shall be required.

(d) A pupil reassigned under this paragraph shall be counted in the average daily membership in residence of the pupil's resident school district. The pupil's resident district shall forward any tuition payment due to the district to which the pupil was reassigned.

(e) The superintendents involved in the reassignment of a pupil shall jointly establish a tuition rate for each such pupil. Notwithstanding any law to the contrary, some or all of the tuition may be waived by the superintendent of the receiving district for the good cause shown or pursuant to school board policy of the receiving district. The cost of transportation shall be the responsibility of the parent or legal guardian.

(f) The superintendent of the pupil's resident school administrative unit shall notify the department of education within 30 days of any reassignment of pupils under this paragraph.

(g) Nothing in this paragraph shall alter or impair the right of an educationally disabled child, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

3 Effective Date. This act shall take effect January 1, 2002.

### AMENDED ANALYSIS

This bill:

I. Authorizes superintendents of school districts, under certain circumstances, to approve requests for changes in school assignment where such changes are in the best interest of the pupil.

II. Authorizes superintendents to negotiate the apportionment of tuition costs associated with a change in school assignment to another school district.

III. Provides that pupils reassigned to another school district shall be counted in the average daily membership in residence in the pupil's resident district and that any tuition payment due to the receiving district shall be paid by the pupil's resident district.

**CACR 18**, relating to elections and elective franchises. Providing that the inhabitants having proper qualifications shall have an equal right to elect and be elected into office. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This proposed constitutional amendment stated having the proper qualifications all inhabitants "shall have an equal right to elect and be elected into office." The committee felt that under Article 11 of the Part I of the NH Constitution guarantees that anyone eighteen and upwards the right to vote, providing they meet state qualifications. Accordingly, this matter would be better suited to statutory attention than changes to the State Constitution. Vote 18-0.

**HB 309-FN**, relative to the registration of radon testers and mitigators. **INEXPEDIENT TO LEGISLATE**

Rep. A. Theresa Drabinowicz for Executive Departments and Administration: This Bill requires the registration of radon testers and mitigators with the department of health and human services. The committee felt that this legislation would not accomplish the desired effect of the sponsor and would increase the cost to homeowners seeking to have their homes tested for the presence of radon. Vote 15-0.

**HB 327-FN**, relative to review of final proposed rules under the administrative procedures act. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Lent for Executive Departments and Administration: This bill adds the recommendation of the legislative policy committee to possible objections to proposed administrative rules by the joint legislative committee on administrative rules. The bill also changes the procedure for objections or alternatives to objection used by the joint legislative committee on administrative rules. The subcommittee conferred at length with both informed legislators and agency representatives. We determined that the procedures proposed in this bill added an unnecessary burden to legislative committees as well as agencies. Flaws in intention can be avoided by writing more explicit guidance for rule making. The committee will continue to work on these issues in its study of HB 688. Vote 16-1.

**HB 453**, establishing a 4-year term for the commissioner of the department of corrections. **OUGHT TO PASS**

Rep. Robert K. Dodge for Executive Departments and Administration: The committee felt that establishing four year terms for the commissioner of the department of corrections attracts more qualified candidates and brings the corrections commissioner in line with other appointed unclassified positions. Vote 12-1.

**HB 585**, relative to the membership and duties of the council on resources and development. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: The committee is well aware of the logistical problem of getting the 12 statutory members to the same meeting at the same time. This bill, as amended, will allow the statutory members to name a designee to the council in their place. The amendment also adds a 13th member, "the executive director or designee of the New Hampshire housing finance authority" to the council. Vote 15-0.

#### **Amendment (0377h)**

Amend RSA 162-C:1, II as inserted by section 2 of the bill by replacing it with the following:

II. The commissioner *or appropriate division director*, department of resources and economic development.

Amend RSA 162-C:1, IV - V as inserted by section 2 of the bill by replacing it with the following:

IV. The commissioner *or appropriate division director*, department of agriculture, markets, and food.

V. The executive director *or appropriate division director*, fish and game department.

Amend RSA 162-C:1, XI - XII as inserted by section 2 of the bill by replacing it with the following:

XI. The commissioner *or appropriate division director*, department of cultural resources.

**XII. The commissioner or appropriate division director, department of administrative services.**

**XIII. The executive director or chairman of the New Hampshire housing finance authority.**



**HB 598**, adding the New Hampshire housing finance authority to the council on resources and development. **INEXPEDIENT TO LEGISLATE**  
Rep. Judson K. Dexter for Executive Departments and Administration: HB 585 passage of which the committee has already recommended, with amendment, adds the New Hampshire housing finance authority to the council making this bill unnecessary. Vote 16-0.

**HB 123-FN**, relative to the retirement system classification for the director of the division of safety services, department of safety. **OUGHT TO PASS**  
Rep. Robert G. Holbrook for Finance: In order to have the ability to attract qualified directors for Safety Services, it appears necessary to offer group II in the New Hampshire Retirement System for certified police officers. Safety Services is funded by the Navigation and Safety Fund. Vote 19-0.

**HB 208-FN**, changing the license requirement for operators collecting the meals and rooms tax. **OUGHT TO PASS**  
Rep. O. Alan Thulander for Finance: This bill was requested by the Department of Revenue Administration and approved by the Ways and Means Committee unanimously. The language repeals the \$5 registration fee for operators collecting the rooms and meals tax and also the requirement to renew the license biennially. These paper transaction costs far exceed the fee. The loss of \$43,000 each biennium will be reflected in salary line reductions agreed to by the commissioner of revenue administration. Vote 18-0

**HB 396**, relative to the practice of physicians and surgeons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert F. Chabot for Health, Human Services and Elderly Affairs: This bill closes a gap in present state statutes designed to encourage Quality Assurance programs in the health care field. "Quality Assurance" is a process in which health care providers critically examine their own activities to determine how care to patients can be improved, based on the best information available. The value of Quality Assurance programs has been recognized in New Hampshire law for over 20 years, in existing statutes that now cover such programs in hospitals, community mental health centers, home health care organizations, ambulatory care clinics and nursing homes. This bill would extend the same statutory recognition to Quality Assurance programs in physician practice groups. The amendment would assure access to original sources of information concerning medical care, while continuing to protect the records and proceedings of Quality Assurance programs reviewing such care. Vote 17-0.

#### **Amendment (0389h)**

Amend RSA 329:29-a, II as inserted by section 2 of the bill by replacing it with the following:

II. Records of a quality assurance program, including those of its functional components and committees, as defined by the physician practice's quality assurance plans, and testimony by persons participating in or appearing before the quality assurance program or its functional components or committees, relating to the activities of the quality assurance program shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented to a quality assurance program, and any person who supplies information or testifies as part of a quality assurance program, or who is a member of a quality assurance program committee, may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her testimony before such program, or opinions formed by him or her, as a result of committee participation. Further, a program's records shall be discoverable in either of the following cases:

(a) A judicial or administrative proceeding brought by a physician practice to revoke or restrict the license or certification of a member physician or staff member; or

(b) A proceeding alleging repetitive malicious action and personal injury brought against a physician practice.

**HB 553-FN-L**, requiring background checks for nursing home employees. **OUGHT TO PASS WITH AMENDMENT**



Rep. Stephanie Micklon for Health, Human Services and Elderly Affairs: This bill, as amended, requires that all nursing homes check the criminal record of any new employees, including per diem and temporary employment agency employees. The committee agreed that our state needs to do all it can to protect our elderly and voted Ought to Pass With Amendment. Vote 14-0.

### **Amendment (0295h)**

Amend RSA 151:27-a as inserted by section 1 of the bill by replacing it with the following:

151:27-a Criminal Records Check Required for Nursing Home Employees. Any facility licensed under this chapter as a nursing home shall conduct, through the appropriate law enforcement agency, a review of criminal convictions of any employee, including per diem and temporary employment agency employees, proposed to be hired after the effective date of this section.

### **AMENDED ANALYSIS**

This bill requires that nursing homes check the criminal record of any new employees, including per diem and temporary employment agency employees.

### **HB 635, relative to family mutual support services. OUGHT TO PASS**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill relates to family support groups that exist to help when mental illness strikes. Such mutual support reduces hospitalization, in-patient and out-patient treatment and out-of-home placements, thus saving money for state and local governments. The bill calls on the state to enhance, coordinate and encourage these efforts through its existing service system. Vote 14-0.

### **HB 737, relative to the possession and use of epinephrine auto-injector devices by emergency medical care providers. INEXPEDIENT TO LEGISLATE**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: Possession and use of medications by emergency medical service providers is covered under rules and supervised by the Emergency Medical Services Control Board. HB 737 is not needed and would inappropriately assign medical services to too broad a category of providers. Vote 15-0.

### **HB 499, making state-appointed advisory committees subject to the right-to-know law. OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas Rice, Jr. for Judiciary: The intent of this bill is to ensure public access to the records of any advisory committees established by the General Court, the Governor and the Governor's Council, and any boards and commissions of state agencies under the right-to-know law. HB 499, as amended does this by including a comprehensive definition section defining exactly what is meant by the term "advisory committee." The amendment also changes the effective date to January 1, 2002. Vote 14-0.

### **Amendment (0449h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Advisory Committees Subject to the Right-to-Know Law. Amend RSA 91-A:1-a to read as follows:

91-A:1-a Definition of Public Proceedings.

*I.* The term "public proceedings" as used in this chapter means the transaction of any functions affecting any or all citizens of the state by any of the following:

[I.](a) The general court including executive sessions of committees; *and including any advisory committee established by the general court;*

[H.](b) The governor's council and the governor with the governor's council; *including any advisory committee established by the governor or the governor's council;*

[H.](c) Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire *and including any advisory committee established by such entities;*

[IV.](d) Any board, commission, agency or authority, of any county, town, municipal corporation, school district, school administrative unit, charter school, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

*II. For the purposes of this section, "advisory committee" means any committee, council, commission, or other like body whose primary purpose is to consider an issue or issues designated*

*by the appointing authority so as to provide such authority with advice or recommendations concerning the formulation of any public policy or legislation that may be promoted, modified, or opposed by such authority.*

2 Reference Change. Amend RSA 91-A:4, I-a to read as follows:

I-a. Records of any payment made to an employee of any public body or agency listed in RSA 91-A:1-a, ~~[I-IV]~~ *I(a)-(d)*, or to the employee's agent or designee, upon the resignation, discharge, or retirement of the employee, paid in addition to regular salary and accrued vacation, sick, or other leave, shall immediately be made available without alteration for public inspection. All records of payments shall be available for public inspection notwithstanding that the matter may have been considered or acted upon in nonpublic session pursuant to RSA 91-A:3.

3 Effective Date. This act shall take effect January 1, 2002.

**HB 704**, relative to the applicability of the right-to-know law to certain governmental committees. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: HB 704 and HB 499 are parallel bills. The Judiciary Committee chose to use HB 499 as its vehicle to address the very same issues and concerns in the right-to-know law. The sponsor of the legislation, during his testimony, recognized that there are similar types of legislation already being considered by the Judiciary Committee and it did not matter to him which vehicle we used, so long as a suitable solution to his concerns was reached. The Judiciary Committee strongly feels that HB 499 meets those requirements. Vote 14-0.

**HB 733**, deleting references to "rebuttable presumption" from the laws of this state. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: The committee concluded that the question of "rebuttable presumptions" is one which ought to be examined by the relevant policy committees on a case-by-case basis rather than through a wholesale deletion of the term from "all" laws in the state, known and unknown. Vote 13-0.

**HB 739**, establishing a committee to study the application of the rule against perpetuities. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This ancient law, the Rule Against Perpetuities, has been the common law in America since the 18<sup>th</sup> and possibly 17<sup>th</sup> century. It is a part of the English common law that we inherited, and is still the law in New Hampshire as much as the statutes we enact. The law was enacted in England to stop wealthy individuals from placing their property in trust for perpetuity, or hundreds of years, and thus removing it from the public interest. The typical example would be that of an extremely wealthy land owner dying and leaving his land, possibly hundreds of thousands of acres, in trust for the use of his children, grandchildren, great-grandchildren, great-great-grandchildren, etc., etc., and never vesting title, thus depriving the public of the land. England viewed this as a bad public policy, and thus the Rule Against Perpetuities. The law states that a grant in trust must vent (end) within a life in being plus 21 years. Though the law is nearly obsolete in the 21<sup>st</sup> century, it does no harm. The Judiciary Committee would probably express the view more succinctly, saying: "That dog is too old to hunt, but sure is a comforting old friend to have around." The Rule Against Perpetuities is like a monument to our jurisprudence heritage - harmless, but a valuable reminder of our past. Vote 11-3.

**HB 752**, relative to certain revisions of the right-to-know law. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher P. Reid for Judiciary: The committee is working on a number of bills that will increase the scope of the right-to-know law. The committee felt that this bill is not necessary, and may introduce new problems. This bill's addition of the court system to the right-to-know law was too broad and its language concerning employment security was not protective enough of individual privacy rights. Vote 13-1.

**HB 164**, relative to exceptions to the confidentiality of certain department of employment security records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill as amended allows the Department of Employment Security to share unemployment compensation records and reports with other state and federal agencies for the purpose of assessing governmental performance and accountability for compliance with state and federal law. The release of this information shall be authorized by the commissioner when sufficient guarantees of continued confidentiality are in place. Vote 16-0.

**Amendment (0034h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraphs; Employment Security; Unemployment Compensation; Confidentiality of Reports or Statements. Amend RSA 282-A:118 by inserting after paragraph III the following new paragraphs:

IV. That authorized federal employees granted access as provided in paragraph III shall be granted access on a case-by-case basis. In no event shall access to or copies of any database, whether written, electronic or other, be provided to any agency, employee, or agent of the federal government except as required by federal or state law and duly authorized by the commissioner.

V. That for the purpose of assessing governmental performance and accountability, the commissioner may provide information to the Wage Record and Interchange System developed by the U.S. Department of Labor as administered by the National Association of State Workforce Agencies (NASWA) and utilized by each state's Performance Accountability and Customer Information Agency (PACIA). The use of the information shall be limited to the purposes contained in the federal Workforce Investment Act or the Wagner-Peyser Act. Information under this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in place.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill allows for an exception to the confidentiality of certain unemployment compensation records and reports for the purpose of complying with federal or state law or for assessing governmental performance and accountability.

**HB 347-FN**, relative to terminal pay for certain state officials or employees. **OUGHT TO PASS**  
Rep. G. Michael Gilman for Labor, Industrial and Rehabilitative Services: This bill clarifies those officials in non-classified or unclassified positions may not double dip upon termination of service with the state. Vote 16-0.

**HB 448**, relative to procedures for crews and provision of counseling services following a railway accident. **OUGHT TO PASS WITH AMENDMENT**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill makes a provision for procedures following a railway accident. While many major rail services have internal policies, there are smaller rail services that do not. This legislation requires those services with no standing policy to adhere to the provisions contained in this bill. If enacted, this language would apply only to those rail services with no policy, or a policy that is less stringent than provided for. Vote 15-0.

**Amendment (0387h)**

Amend RSA 367:56-a as inserted by section 1 of the bill by replacing it with the following:

367:56-a After-Accident Counseling.

I. Every railroad corporation and railway company shall provide or make available to every member of an operating crew involved in an accident on its railway or right-of-way which results in loss of life or serious bodily injury, counseling services or other critical incident stress debriefing services within 48 hours. The engineer or other operating crew member involved in the accident shall be relieved from duty with compensation and applicable benefits at the site of the accident. The leave may be without compensation and benefit if the railroad corporation makes the affirmative showing that the accident was due to negligence of an engineer or other operating crew member. Any person who is otherwise eligible for the benefits provided by this paragraph and who has been found to have not acted negligently shall not be precluded from participation due to the negligence of a fellow crew member.

II. Any engineer returning to duty following leave provided pursuant to paragraph I shall, if he or she so requests, be assigned an assistant engineer or other qualified person who shall accompany him or her for such time as may be necessary to guarantee the public safety. Any engineer or crew member may be subject to an examination at the discretion of the employer pertaining to any mental or emotional impairment caused by the accident. Such examination shall occur during the period of leave or upon return of duty, and shall be by a qualified medical practitioner designated by the employer.



III. The provisions of paragraph I shall not apply to a railroad corporation or railway company that has a written policy approved by the commissioner incorporating personnel protections no less stringent than the requirements of paragraph I.

IV. The commissioner shall adopt rules, pursuant to RSA 541-A, for the implementation and enforcement of the provisions of this section.

**HB 570-FN**, relative to the unemployment compensation law. **OUGHT TO PASS**

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This bill increases the weekly amounts collected by unemployed workers as recommended by the Department of Employment Security. It also allows for a small increase in fines for employers who refuse to file the proper reports on time and allows continued collection for administrative purposes. Vote 16-0.

**HB 637-FN**, requiring training for certain members of the workers' compensation appeals board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill would require members of the workers' compensation appeals board to participate in 20 hours of training annually. The sponsor presented an amendment that would have training conducted in-house, thus eliminating the fiscal impact. Once the fiscal impact was removed, the Department of Labor was in support of the measure, as was the committee. Vote 15-0.

**Amendment (0277h)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring annual training for members of the workers' compensation appeals board.

Amend the bill by replacing section 1 with the following:

1 Training Required; Lay Members. Amend RSA 281-A:42-a, I to read as follows:

I. There is established a compensation appeals board. The board shall consist of a pool of 33 members, of which 11 members shall represent labor, 11 members shall represent employers or workers' compensation insurers and 11 members shall be attorneys who shall be neutral. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the appeals board shall be replaced by the governor and council. Terms of board members shall be 4 years, except the initial appointments shall be staggered so that no more than 1/3 of the members' terms shall expire in the same year. Members of the board shall have at least 5 years' experience in the area of workers' compensation. *As a condition to maintaining eligibility to hear appeals, board members shall have at least 20 hours annually of training and briefing in the area of workers' compensation and relevant disciplines. The commissioner, or designee, with the assistance of the attorney general's staff shall supervise and approve the training. The commissioner shall have the authority to suspend the eligibility of any member of the board who is not in compliance with such annual training requirements, and to reinstate such member's eligibility upon compliance.* Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel, composed of an attorney who shall serve as chair, one member representing labor and one member representing employers or workers' compensation insurers. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

**AMENDED ANALYSIS**

This bill requires members of the workers' compensation appeals board to have annual training.

**HB 311-FN-A**, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. **OUGHT TO PASS**  
Rep. Robert W. Brundige for Municipal and County Government: HB's 207, 311 and 439 are all based on the findings and recommendations of the Septage Task Force which was established in 1999, because of concerns that municipalities are not meeting their responsibilities pertaining to



septage disposal per RSA 485-A:5-b. The conclusion of the Task Force was that there is a severe problem facing New Hampshire pertaining to the handling and disposal of septage. There is a shortage of septage disposal facilities in New Hampshire. Many southern border towns deposit their septage in Lowell and Lawrence, Massachusetts facilities. Those cities could stop accepting New Hampshire septage at any time, which would exacerbate the problem, and northern towns already have a serious shortage of septic disposal facilities. For example, in 1996, 560,000 gallons of New Hampshire septage was processed at Lowell, Massachusetts waste water treatment facility, and in 2000, 3,928,000 gallons were processed out-of-state which is a 3,368,000-gallon increase in just 5 years. There were 8,870 septic applications in 2000 and this number increases every year and the majority of the septic applications are for private home. HB 311 recognizes the severe septage disposal problem by adding \$10 to the fee charged for septic design applications to support a position at Department of Environmental Services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. Vote 13-0.

**HB 516**, relative to requirements for bidders on public construction projects. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: The committee heard testimony regarding construction problems on a particular project, which prompted the proposed bill. The committee felt that the legislation as written would have done nothing to prevent the type of construction problems encountered. It felt, in addition, that adequately detailed construction contracts and existing law would protect against the type of problems encountered. Vote 16-1.

**HCR 13**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS**

Rep. Robert R. Rodrigue for State-Federal Relations and Veterans Affairs: HCR 13 asks the President & Congress to fully fund the Individuals with Disabilities Education Act (IDEA). Congress promised to fund up to 40% of the average per pupil expenditures for special education services when IDEA became law in 1975. Today, the federal government still funds less than 15% of special education costs, creating substantial hardship for local taxpayers. In effect, by not funding this obligation, Congress has taken local control out of the hands of local voters & taxpayers. The committee agrees with the sponsor's belief that, in this age of surpluses, Congress should fund its obligations. Vote 14-0.

**HJR 4**, urging Congress to amend the Pipeline Safety Act. **INEXPEDIENT TO LEGISLATE**

Rep. Jonathan E. Hill for State-Federal Relations and Veterans Affairs: Whereas HJR 4 is almost identical to HCR 12, the committee decided to recommend HJR 4 as inexpedient and will take up the same subject in HCR 12, which the committee felt was more complete. Vote 14-0.

**HB 369**, relative to driving in highway construction and maintenance areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill requires drivers to obey flag persons in highway construction or maintenance areas. The committee felt that the intent of this bill has merit, particularly with the volume of construction going on in this state. Testimony from the New Hampshire Department of Transportation indicated that this problem is on the rise. The motoring public needs to be aware of workers in the road during construction and maintenance. Flag persons indicate danger ahead and their instructions need to be obeyed. The amendment clears up language in the original bill in regard to the type of violation and fine associated with this offense. Vote 16-0.

**Amendment (0220h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Obedience to and Effect of Traffic Laws; Obedience to Flagpersons. Amend RSA 265 by inserting after section 3-a the following new section:

265:3-b Obedience to Flagpersons.

1. The driver of any vehicle shall obey the instructions of any flagperson in the act of directing, controlling, or regulating traffic within any construction or maintenance area indicated by official traffic control devices. If the flagperson is displaying a signal to stop, the driver of a vehicle upon a way shall stop the vehicle at least 25 feet before reaching such flagperson. The driver shall not proceed until the flagperson indicates that traffic may proceed and until the driver may do so safely.

II. Any person who violates the provisions of this section shall be guilty of a violation and shall be fined not more than \$100 for the first offense and not more than \$250 for any subsequent offense committed during any calendar year.

#### AMENDED ANALYSIS

This bill requires drivers to obey flagpersons in highway construction or maintenance areas.

#### **HB 459-FN, relative to inspection requirements for antique vehicles. OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence A. Artz for Transportation: The intent of this bill is to allow antique vehicles and antique motorcycles to be inspected biennially instead of annually during the month of April. The Department of Safety expressed concerns regarding the number of vehicles being allowed this biennial inspection, mostly worn-out mid-1970s era vehicles still used on a daily basis. The subcommittee recommended and the committee unanimously adopted an amendment where the biennial inspection will instead apply only to those antique vehicles actually registered as an antique and have reached 40 years of age. This bill does not change the definition of an antique vehicle. Antique vehicles over 40 years of age are most likely to be infrequently driven and be true collector vehicles, for which their owners typically take exceptional care. A biennial inspection would increase convenience to those owners as well as reduce the frequency of the unnecessary repeated disassembly and reassembly of difficult to find parts that are inspected which could possibly cause needless damage or wear. The reduction of revenue (\$1.50 per sticker) for allowing 40 year old antique vehicles and motorcycles a biennial inspection will be minimal due to the relatively low number of these vehicles registered in the state. Vote 16-0.

#### **Amendment (0388h)**

Amend the bill by replacing section 1 with the following:

1 Motor Vehicles; Equipment of Vehicles; Inspections; Inspection Authorized; Biennial Inspections for Certain Antique Vehicles. Amend RSA 266:1, III to read as follows:

III. If the owner of the vehicle is a company or corporation or other than a natural person, the annual inspection shall be made during the month designated by the director as the registration month for such legal entity, and motorcycles ~~and antique cars~~ shall be inspected once a year. *Vehicles registered as antique motor vehicles and motorcycles and which are 40 years old and over shall be inspected biennially.* Antique *motor* vehicles shall be inspected ~~annually~~ in the month of April. Motorcycles shall be inspected ~~annually~~ by July 1.

#### AMENDED ANALYSIS

This bill changes the inspection requirement for certain antique vehicles 40 years old and over from annual to biennial.

#### **HB 571, establishing a commission to study the feasibility of creating a statewide land value assessment system for the purpose of creating a revenue source for funding education. INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Ways and Means: This bill would establish a commission to study the establishment of a statewide "assigned land value system." This is a property tax system based upon assigned property values rather than market or assessed values. Among other things, such a system would create a single, common rate for each land class across an entire taxing district. In the case of the statewide property tax, for example, a buildable lot in Hampton would be assigned the same value as a buildable lot in Pittsburg. The Ways and Means Committee felt the education-funding debate has proceeded beyond the point where study of such a radically different property tax system would be useful. Vote 16-0.

#### REGULAR CALENDAR

#### **HB 246, relative to marriage between first cousins. INEXPEDIENT TO LEGISLATE**

Rep. Carlos E. Gonzalez for Children and Family Law: The Children & Family Law Committee voted 15-2 against first cousin marriages. We feel that genetics statistics and facts provide strong arguments against allowing first cousin marriages. We recommend this bill as inexpedient to legislate. Vote 15-2.

Adopted.

**HB 289-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. **OUGHT TO PASS**

Rep. Christine M. Furman for Children and Family Law: This bill allows mothers to place newborns under 72 hours old in the custody of a hospital rather than abandon them. In so doing, the mother shall not be guilty of the offense of abandonment. Vote 12-1.

Rep. Dowling moved Recommit to Committee.

Adopted.

Recommitted to Children and Family Law.

**HB 422**, establishing a committee to study the prevention of unintended pregnancies **INEXPEDIENT TO LEGISLATE**

Rep. Diane T. Palermo for Children and Family Law: This bill would establish a study committee utilizing certain methods of dealing with unwed and teen pregnancies. Besides serious concerns as to the controversial approach of the bill, it was felt such a study may be better left to a private/professional group. Further, the committee research indicates that while unwed births have increased, the age group of women reflected in the increase is those between the ages of 20-40. Therefore, the bill is unnecessary since its primary focus would target women under 20 years of age. Vote 12-2. Adopted.

**HB 454**, relative to same-sex civil unions contracted outside of the state of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura C. Pantelakos for the Majority of Children and Family Law: New Hampshire law recognizes marriages only between a man and a woman. In addition, the Federal Defense of Marriage Act provides that no state shall be required to give effect to a law of any other state with respect to a same sex "marriage." A marriage is defined in NH law as the legal union of a man and a woman. Therefore, the Committee found this bill to be unnecessary. Vote 13-3.

Rep. Daniel C. Itse for the Minority of Children and Family Law: Passage of this bill will re-affirm the sanctity of marriage in New Hampshire. Vermont recognizes same sex civil unions and while New Hampshire forbids same sex marriage, it is silent on civil unions or other forms of union. Same sex unions may be a subject of litigation in New Hampshire and HB 454 will send a clear message to the courts that we do not want such unions recognized, regardless of what they are called.

Reps. Itse spoke against and yielded to questions.

Rep. Panagopoulos spoke in favor and yielded to questions.

Reps. Balboni, Gonzalez and Giuda spoke against.

Reps. Moran and Dowling spoke in favor.

Rep. Lachance requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 276 NAYS 88****YEAS 276****BELKNAP**

Bartlett, Gordon  
Johnson, William  
Rice, Thomas Jr  
Wood, Jane

Dewhirst, Glenn  
Millham, Alida  
Russell, David

Flanders, Donald  
Nedeau, Stephen  
Salatiello, Thomas

Holbrook, Robert  
Pilliod, James  
Thomas, John

**CARROLL**

Babson, David Jr  
Patten, Betsey

Bradley, Jeb  
Philbrick, Donald

Dickinson, Howard  
Quimby, Lee

Mock, Henry  
Sullivan, P Judith

**CHESHIRE**

Allen, Peter  
DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

Avery, Stephen  
Edwards, Dana  
Meader, David  
Roberts, William  
Zerba, Roger

Batchelder, Robert  
Espieffs, Peter  
Mitchell, McKim  
Royce, H Charles

Burnham, Daniel  
Hunt, John  
Pratt, John  
Smith, Edwin



## COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr			

## GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Lovett, Sid
Marshall, Gene	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Teschner, Douglass	Ward, Brien

## HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Balcom, John	Barody, Benjamin	Bellavance, Paul	Bergin, Peter
Bragdon, Peter	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Chabot, Robert	Christensen, D L Chris	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Desrosiers, William	Dionne, Kimberly	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Furman, Christine	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Haley, Robert	Hall, Betty	Holden, Randolph	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lasky, Bette	Leach, Edward	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Rowe, Robert	Sargent, Maxwell	Schulze, Joan
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	Tahir, Saghir
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald	White, John		

## MERRIMACK

Anderson, Eric	Bouchard, Candace	Clarke, Claire	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Greco, Vincent	Hager, Elizabeth
Hess, David	Jacobson, Alf	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Moore, Carol	Perkins, Randy	Potter, Frances
Poulin, David	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

## ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond
Case, Margaret	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald	Gleason, John
Griffin, Mary	Henderson, Warren	Holland, James Jr	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langone, John	Major, Norman	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne



Rausch, James  
Sapareto, Frank  
Stone, Joseph  
Whittier, John

Reardon, Neil  
Shultis, Elizabeth  
Stitch, C Donald  
Woekel, Ralph

Robertson, Carl  
Sloan, Stephen  
Trueman, Raymond  
Zolla, William

Saia, Pamela  
Splaine, James  
Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Harrington, Michael  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

Bickford, David  
Gilmore, Gary  
Heon, Richard  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Brown, Julie  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

Cossette, Larry  
Grassie, Anne  
Kaen, Naida  
Musler, George  
Rollo, Michael  
Taylor, Kathleen  
Woods, Phyllis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

Burling, Peter  
Franklin, Peter  
Leone, Richard  
Rodeschin, Beverly

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

### NAYS 88

### BELKNAP

Boyce, Laurie

Czech, Stanley

Rosen, Ralph

Wendelboe, Fran

### CARROLL

Kenney, Joseph

Stevens, Stanley

Torresen, Gary

### CHESHIRE

Dexter, Judson  
Russell, Ronald

Emerson, Susan

Fairbanks, Chandler

Manning, Joseph

### COOS

Rozek, Michael

Stohl, Eric

Woodward, David

### GRAFTON

Alger, John  
Giuda, Robert

Cobb, John  
Mirski, Paul

Dudley, Terri  
Sova, Charles

Gilman, G Michael

### HILLSBOROUGH

Artz, Lawrence  
Bouchard, David  
Christiansen, Lars  
Herman, Keith  
Mercer, Robert  
Seibel, Christopher

Balboni, Michael  
Bouldin, Michael  
Clegg, Robert Jr  
Hopper, Gary  
Milligan, Robert  
Souza, Kathleen

Batula, Peter  
Bruno, Pierre  
Gonzalez, Carlos  
Martel, Andre  
Reeves, Sandra  
Thompson, Rob

Bergeron, Jean-Guy  
Carlson, Donald  
Hall, Charles  
McHugh, Claire  
Salts, Greg

### MERRIMACK

Brewster, Richard  
Langer, Ray  
Winter, Steven

Dunne, Christopher  
Leber, William

Hutchinson, John  
Soltani, Tony

Kennedy, Richard  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Cooney, Richard  
Gilbert, Karl  
Introne, Robert  
Letourneau, Robert  
Palermo, Diane  
Quandt, Matthew  
Weyler, Kenneth

Bridle, Russell  
Cox, Russell  
Hamel, Albert  
Itse, Daniel  
Moore, Benjamin  
Power, Lucille  
Ruffner, Walter

Camm, Kevin  
Dearborn, Bruce  
Hill, Jonathan  
Kelley, William  
Nowe, Ronald  
Putnam, Ed II  
Varrell, Thomas

Chalbeck, Kevin  
Dodge, Robert  
Hutchinson, Karen  
Langley, Jane  
Packard, Sherman  
Quandt, Marshall  
Welch, David

**STRAFFORD**

Albert, Russell  
Twombly, James

Callaghan, Frank

Dunlap, Patricia

Lachance, Douglas

**SULLIVAN**

None

and the majority report was adopted.

Rep. Emerson voted nay and intended to vote aye.

Reps. Pepino and Phyllis Woods voted aye and intended to vote nay.

Rep. Hughes did not vote and wished to be recorded in favor.

**HB 648-FN**, designating certain child care agencies as homeless youth programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward P. Moran, Jr. for Children and Family Law: This bill authorizes certain agencies to accept 16- and 17-year-old homeless youths into a transitional residential program, and authorizes the appropriate state agency to inspect facilities and approve the program. Vote 14-0.

**Amendment (0446h)**

Amend the title of the bill by replacing it with the following:

AN ACT authorizing licensing of homeless youth programs.

Amend the bill by replacing all after the enacting clause with the following:

I New Subparagraph; Residential Care and Child-Placing Agency Licensing; Homeless Youth Programs Added to Definition of Child Care Agency. Amend RSA 170-E:25, II by inserting after subparagraph (c) the following new subparagraph:

(d) "Homeless youth program" means a program, including any housing facilities utilized by such program, which receives any child for the purpose of providing services to facilitate independent living including all of the following program components: individual assessment, referral, housing, and case management. Such services may be provided directly by the agency or through one or more contracts for services.

2 New Section; Residential Care and Child-Placing Agency Licensing; Homeless Youth Programs. Amend RSA 170-E by inserting after section 27 the following new section:

170-E:27-a Homeless Youth Programs; Special Provisions. Any child care agency which receives children for the purpose of providing a homeless youth program, as defined in RSA 170-E:25, II(d), shall be subject to the following provisions:

I. When a child 16 or 17 years of age contacts a homeless youth program requesting emergency shelter or homeless services, the program shall:

(a) Assess the child's essential needs, physical and mental health condition, and the circumstances that led the child to seek services.

(b) Attempt to notify the child's parent or legal guardian that such child is present at the agency's facility upon completion of the assessment within 72 hours of the child's initial request for services. If compelling circumstances become evident during assessment which justify not notifying the parent or legal guardian, the program shall instead notify the department according to RSA 169-C:29. In this paragraph, the term "compelling circumstances" means circumstances which indicate that notifying the parent or legal guardian would subject the child to risk of abuse or neglect as defined in RSA 169-C:3.

(c) Notify the department no later than 30 days after the child's initial request for services if the program is unable to make contact with either of the child's parents or the legal guardian after reasonable attempts to do so.

II. Nothing in this section shall alter the legal relationship between parent or legal guardian and child, and in the absence of a court order directing otherwise, the program shall release the child to the custody of his or her parent or legal guardian upon request by the parent or guardian.

III. If the child is discharged from the program or voluntarily terminates participation in the program, the program shall immediately notify the parents or legal guardian; or the department if the parent or legal guardian has never consented to the child's placement in the program.

IV. A parent or legal guardian who consents in writing to the child's participation in a licensed homeless youth program shall not be deemed neglectful under RSA 169-C:3, XIX.

V. The agency may charge the child a reasonable fee for the services provided the child is working and/or has other regular income and such fee is within his or her ability to pay.

3 New Subparagraph; Residential Care and Child-Placing Agency Licensing; Penalties; Compliance With Homeless Youth Program Requirements. Amend RSA 170-E:45, I by inserting after subparagraph (e) the following new subparagraph:

(f) Fails to comply with the requirements for notifying parents, legal guardians, or the department under RSA 170-E:27-a, I.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill defines homeless youth programs and establishes admissions, parental notification, and licensing requirements for homeless youth programs.

Adopted.

Report adopted and ordered to third reading.

### HB 736-FN, establishing the consumer safety firearms protection act. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Tholl, Jr. for Criminal Justice and Public Safety: This bill is a multi-faceted document that received overwhelming opposition during the public hearing. The bill impacts all aspects of firearms manufacturing, sale, possession and collection as well as radically altering New Hampshire's laws pertaining to concealed carry permits. The bill as written, as well as the proposed amendment, would have declared many quality handguns unsafe due to their failure to meet arbitrary standards that would do nothing to improve firearms safety, only increase cost and possibly result in the loss of jobs at the several companies that manufacture firearms in New Hampshire. Under the bill the Attorney General's office would have only a limited period to establish rules and contract with "independent testing laboratories", none of which exist in New Hampshire, for testing and certification of all concealable handguns. Anyone wishing to sell, trade, or transfer a firearm, (rifle, pistol, or shotgun), would have to go to a licensed firearm dealer, fill out a form, and pay a fee to have the dealer perform a NICS check. The form shall contain name, birth date, gender, social security number and race. This form shall be retained by the dealer along with an approval number. The amount of the fee is set in the bill and currently dealers perform this function for gun owners who sell firearms to an individual who is not personally known to the seller, but set their own fees for the service. All firearm storage devices (gun lock/safe) must be approved by the Attorney General's office. The bill also changes the concealed carry permit from a single approving agency (local police) to a multi-approval requirement (local police & Dept. of Safety), and requires two photographs be provided by the applicant and a fee of \$20 be paid. Either agency can refuse to approve the permit application for any reason, and the current appeal process (RSA 159:6-c) would be removed from the statutes thus eliminating any redress by the applicant. Not one member of the committee could support this bill as written or the proposed amendment. The majority of the committee felt that the bill was overly intrusive and would restrict the rights of New Hampshire citizens as well as cost the taxpayers an excessive amount of money without contributing to increased safety, which was the stated purpose of the bill. At no time during the 6-1/2 hour public hearing was there an existing problem identified that this bill would solve. Vote 17-1.

Rep. Martha Fuller Clark spoke against.

Rep. Tholl spoke in favor and requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 324 NAYS 35**

### YEAS 324

### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Russell, David  
Wood, Jane

Boyce, Laurie  
Holbrook, Robert  
Pilliod, James  
Salatiello, Thomas

Czech, Stanley  
Johnson, William  
Rice, Thomas Jr  
Thomas, John

Dewhirst, Glenn  
Millham, Alida  
Rosen, Ralph  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

**CHESHIRE**

Allen, Peter  
Edwards, Dana  
Hunt, John  
Mitchell, McKim  
Zerba, Roger

Avery, Stephen  
Emerson, Susan  
Manning, Joseph  
Pratt, John

DePecol, Benjamin  
Espiefs, Peter  
McGuirk, Paul  
Roberts, William

Dexter, Judson  
Fairbanks, Chandler  
Meador, David  
Smith, Edwin

**COOS**

Bradley, Paula  
Landers, Dana  
Stohl, Eric

Davis, Perley  
Mears, Edgar  
Tholl, John Jr

Gallus, John  
Pratt, Leighton  
Woodward, David

Horton, Lynn  
Rozek, Michael

**GRAFTON**

Akins, Ralph  
Cobb, John  
Gilman, G Michael  
Marshall, Gene  
Scovner, Nancy

Alger, John  
Cooney, Mary  
Giuda, Robert  
Mirski, Paul  
Sova, Charles

Almy, Susan  
Dudley, Terri  
Ham, Bonnie  
Pawlek, Marion  
Teschner, Douglass

Barker, Robert  
Eaton, Stephanie  
Lovett, Sid  
Scanlan, David  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Artz, Lawrence  
Batula, Peter  
Bouchard, David  
Bruno, Pierre  
Chabot, Robert  
Clegg, Robert Jr  
Desrosiers, William  
Drisko, Richard  
Fletcher, Richard  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Holden, Randolph  
Johnson, Lionel  
L'Heureux, Robert  
Leach, Edward  
McDonough-Wallace, Alice  
Milligan, Robert  
Palangas, Eric  
Peterson, Andrew  
Sargent, Maxwell  
Souza, Kathleen  
Tate, Joan  
Wheeler, Robert

Alukonis, David  
Balboni, Michael  
Bellavance, Paul  
Bouldin, Michael  
Buckley, Raymond  
Christensen, D L Chris  
Cote, Peter  
Dionne, Kimberley  
Eaton, Richard  
Flora, Kathleen  
Gargas, Carolyn  
Goulet, Maurice  
Haley, Robert  
Hopper, Gary  
Kacavas, John  
LaFlamme, Paul  
Lefebvre, Roland  
McHugh, Claire  
Moran, Edward  
Panagopoulos, Nicholas  
Reeves, Sandra  
Schulze, Joan  
Spiess, Paul  
Thompson, Rob  
White, Donald

Andosca, Mary  
Balcom, John  
Bergeron, Jean-Guy  
Bragdon, Peter  
Calawa, Leon Jr  
Christiansen, Lars  
Coughlin, Pamela  
Dokmo, Cynthia  
Elliott, Larry  
Ford, Nancy  
Golding, William  
Graham, John  
Hall, Charles  
Jean, Claudette  
Keye, Harvey  
LaRose, Richard  
Leishman, Peter  
Mercer, Robert  
Movsesian, Lori  
Pappas, Marc  
Rowe, Robert  
Seibel, Christopher  
Sweeney, Cynthia  
Thulander, O Alan

Arnold, Thomas Jr  
Baroody, Benjamin  
Bergin, Peter  
Brundige, Robert  
Carlson, Donald  
Clayton, William  
Craig, James  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Foster, Linda  
Goley, Jeffrey  
Greenberg, Gary  
Herman, Keith  
Jean, Loren  
Kurk, Neal  
Lasky, Bette  
Martel, Andre  
Messier, Irene  
O'Connell, Timothy  
Pepino, Leo  
Salts, Greg  
Shaw, Barbara  
Tahir, Saghir  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
Feuerstein, Martin  
Hager, Elizabeth

Bouchard, Candace  
Cummings, Raymond  
Fraser, Leo Jr  
Hess, David

Brewster, Richard  
Daneault, Gabriel  
French, Barbara  
Hutchinson, John

Clarke, Claire  
Dunne, Christopher  
Greco, Vincent  
Jacobson, Alf



Kennedy, Richard  
MacKay, James  
Rodd, Beth  
Whalley, Michael

Langer, Ray  
Maxfield, Roy  
Seldin, Gloria  
Whittemore, James

Leber, William  
Perkins, Randy  
Soltani, Tony  
Winter, Steven

Lockwood, Priscilla  
Poulin, David  
Swindlehurst, John  
Yeaton, Charles

## ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Clark, Vivian  
Cox, Russell  
Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Priestley, Anne  
Rausch, James  
Saia, Pamela  
Stone, Joseph  
Weatherspoon, Jacquelyne  
Woekel, Ralph

Belanger, Ronald  
Camm, Kevin  
Coes, Betsy  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
McGuire, Robert  
Morse, Charles  
Palermo, Diane  
Putnam, Ed II  
Reardon, Neil  
Sapareto, Frank  
Stritch, C Donald  
Welch, David  
Zolla, William

Bishop, Franklin  
Case, Margaret  
Cooney, Richard  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Pitts, Jacqueline  
Quandt, Marshall  
Robertson, Carl  
Shultis, Elizabeth  
Trueman, Raymond  
Weyler, Kenneth

Bowles, Raimond  
Chalbeck, Kevin  
Corbin, Corey  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, William  
Letourneau, Robert  
Micklon, Stephanie  
O'Keefe, Patricia  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Sloan, Stephen  
Varrell, Thomas  
Whittier, John

## STRAFFORD

Albert, Russell  
Callaghan, Frank  
Grassie, Anne  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Twombly, James

Berube, Roger  
Cossette, Larry  
Harrington, Michael  
Kaen, Naida  
Musler, George  
Spang, Judith  
Wall, Janet

Bickford, David  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Taylor, Kathleen  
Woodill, Rodney

Brown, Julie  
Goodwin, Earle  
Hughes, Christopher  
Lachance, Douglas  
Reid, Christopher  
Tsiros, William  
Woods, Phyllis

## SULLIVAN

Burling, Peter  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

Franklin, Peter  
Leone, Richard  
Rodeschin, Beverly

## NAYS 35

## BELKNAP

None

## CARROLL

None

## CHESHIRE

Batchelder, Robert  
Weed, Charles

Burnham, Daniel

Richardson, Barbara

Russell, Ronald

## COOS

Rodrigue, Robert

## GRAFTON

Benn, Bernard

Sokol, Hilda

Solow, Martha

**HILLSBOROUGH**

Clemons, Jane  
Hall, Betty  
White, John

Cote, David  
Kony, Christine

Ginsburg, Ruth  
Lynde, Harold

Gorman, Mary  
Melcher, Harold

**MERRIMACK**

Fraser, Marilyn  
Rush, Deanna

Moore, Carol  
Wallner, Mary Jane

Potter, Frances

Reardon, Tara

**ROCKINGHAM**

Blanchard, MaryAnn  
Pantelakos, Laura

Clark, Martha Fuller  
Splaine, James

Kelley, Jane

Norelli, Terie

**STRAFFORD**

Lent, Donald

Proulx, Raymond

Smith, Marjorie

Snyder, Clair

**SULLIVAN**

Allison, David

and the report was adopted.

Rep. Royce did not vote and wished to be recorded in favor.

**SPECIAL ORDERS**

**HB 552-FN-A-L**, restructuring the delivery of a public elementary and secondary education and related educational services in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Brien L. Ward for Education: This bill would abolish the Department of Education and create 10 SAU's, one for each county. New Hampshire's tradition of local control of education would be undermined by this bill as the current 80 SAU's would also be abolished. Vote 18-0.

Rep. Dodge spoke against.

Rep. Alger spoke in favor and yielded to questions.

Adopted.

**HB 645-FN-A-L**, relative to state aid for provision of an adequate education, and for additional local education tax relief. **INEXPEDIENT TO LEGISLATE**

Rep. Steven J. Winter for Education: This bill would have ended the state's obligation to fund an adequate education at grade six. The committee felt that the adequacy determination should be applied to all students up through grade twelve. Vote 17-0.

Rep. Vivian Clark spoke against and yielded to questions.

Rep. Wheeler spoke against.

Rep. Yeaton and Henderson spoke in favor.

Rep. Burling requested a division vote.

On a division vote, 278 members having voted in the affirmative and 81 in the negative, the report was adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 141-L**, relative to regulation of junkyards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard P. Brewster for Environment and Agriculture: This bill eliminates the exception for certain junkyards under the current solid waste management laws. Vote 16-0.

**Amendment (0014h)**

Amend RSA 236:112, I(c)(1) as inserted by section 3 of the bill by replacing it with the following:

(1) Motor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or

Adopted.

Report adopted and ordered to third reading.

**HB 195**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John S. Cobb for the Majority of Environment and Agriculture: Rep. John S. Cobb for Environment and Agriculture: This bill would ensure to future generations the protection of our environment. The majority felt this was a good bill to guarantee that protection Vote 11-4.

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: The minority of the committee felt that, in spite of the noble sentiments of the proponents of this bill, any time or money spent in the pursuit of such a constitutional amendment would be useless. For all members of this House already think about of the welfare of future generations in their acts as legislators. We have effectually sworn to do so. In fact that welfare is exactly what we daily debate here in this House, with vast and passionate differences of opinion. Since we cannot agree on what the welfare of future generations actually amounts to, no constitutional amendment could possibly quantify or identify what that welfare specifically is. And no court could interpret the constitutionality of a law in a case whose facts were not yet existent. Hence, it is futile work toward such a constitutional amendment.

### **Amendment (0047h)**

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall consider:

I. Amending the New Hampshire constitution to include a provision regarding the state's responsibility to protect its agricultural and natural resources for the use of future generations.

II. Similar provisions in the constitutions and statutes of other states.

III. Draft language for a constitutional amendment-concurrent resolution.

Adopted.

Rep. Bruno spoke against and yielded to questions.

Rep. Allen spoke in favor and yielded to questions.

Rep. Hall requested a roll call; not sufficiently seconded.

On a division vote, 173 members having voted in the affirmative and 181 in the negative, adoption of the majority report failed.

### **MOTION TO LAY ON THE TABLE**

Rep. Burling moved that **HB 195**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations, be laid upon the table. On a division vote, 151 members voting in the affirmative and 204 in the negative, the motion failed.

Rep. Mirski moved Inexpedient to Legislate.

Rep. Burling requested a roll call; sufficiently seconded.

The question now being Inexpedient to Legislate.

### **YEAS 212 NAYS 147**

#### **YEAS 212**

#### **BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Rosen, Ralph

Boyce, Laurie  
Holbrook, Robert  
Russell, David

Czech, Stanley  
Lawton, David  
Thomas, John

Dewhirst, Glenn  
Rice, Thomas Jr  
Wendelboe, Fran

#### **CARROLL**

Dickinson, Howard  
Philbrick, Donald  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

Patten, Betsey  
Sullivan, P Judith

#### **CHESHIRE**

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Manning, Joseph

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

#### **COOS**

Gallus, John  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

Stohl, Eric

**GRAFTON**

Alger, John	Almy, Susan	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Ward, Brien		

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Drisko, Richard	Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kacavas, John
Kurk, Neal	LaFlamme, Paul	LaRose, Richard	Leach, Edward
Lefebvre, Roland	Martel, Andre	McHugh, Claire	McRae, Karen
Melcher, Harold	Mercer, Robert	Milligan, Robert	Moran, Edward
O'Connell, Timothy	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Salts, Greg	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Tahir, Saghir	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Hager, Elizabeth
Hess, David	Hutchinson, John	Kennedy, Richard	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Packard, Sherman
Palermo, Diane	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reardon, Neil
Ruffner, Walter	Saia, Pamela	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	DeChane, Marlene
Harrington, Michael	Lachance, Douglas	Musler, George	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Harris, Joseph	Harris, Sandra	Jones, Constance	Leone, Richard
Odell, Bob	Rodeschin, Beverly		



**NAYS 147****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Babson, David Jr	Bradley, Jeb
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**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Espiets, Peter	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Akins, Ralph	Benn, Bernard	Cooney, Mary	Lovett, Sid
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Teschner, Douglass			

**HILLSBOROUGH**

Andosca, Mary	Balcom, John	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Bouchard, David	Buckley, Raymond	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul	Elliott, Larry
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Guinta, Frank	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	L'Heureux, Robert
Lasky, Bette	Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice
Messier, Irene	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Sargent, Maxwell	Schulze, Joan	Seibel, Christopher	Sweeney, Cynthia
White, John			

**MERRIMACK**

Bouchard, Candace	Clarke, Claire	Daneault, Gabriel	Fraser, Marilyn
French, Barbara	Greco, Vincent	Jacobson, Alf	Moore, Carol
Perkins, Randy	Potter, Frances	Poulin, David	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	DiFruscia, Anthony	Downing, Michael	Kane, Cecelia
Kelley, Jane	Kobel, Rudolph	Langley, Jane	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	Nowe, Ronald	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John

**STRAFFORD**

Berube, Roger	Brown, Julie	Callaghan, Frank	Dunlap, Patricia
Gilmore, Gary	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

## SULLIVAN

Allison, David  
Flint, Gordon Sr

Burling, Peter  
Franklin, Peter

Cloutier, John  
Phinizy, James

Ferland, Brenda  
Robb, Amy

and the motion was adopted.

### **HB 426, relative to the voluntary scrapie flock certification program. OUGHT TO PASS WITH AMENDMENT**

Rep. James G. Phinizy for Environment and Agriculture: The Scrapies Program is a federal program of voluntary certification. Scrapies is a disease similar to "mad cow". Federal administrative procedures call for establishing a state board. This bill achieves this end and keys the state program to USDA/APHIS administrative rules. There is no adverse impact on the Department of Agriculture. The state's sheep industry, herders and flocks will benefit as a result of establishing this program and enfranchising the certification board. Vote 13-0.

#### **Amendment (0484h)**

Amend RSA 436:118, II as inserted by section 1 of the bill by replacing it with the following:

II. The board shall consist of 9 members, including:

- (a) The Area Veterinarian-in-Charge (federal Veterinarian), or designee;
- (b) The state veterinarian, or designee;
- (c) One practicing accredited veterinarian;
- (d) One member of the university of New Hampshire cooperative extension; and
- (e) Five goat or sheep producers, with no more than 3 members from either industry.

Amend RSA 436:118 as inserted by section 1 of the bill by inserting after paragraph VIII the following new paragraph:

IX. The board shall submit a report to the house environmental and agriculture committee or its successor by February 15 of each year.

Adopted.

Report adopted and ordered to third reading.

### **HB 362-FN, regulating the practice of adjunctive therapy for animals. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration: The amendment replaces the entire bill. The state veterinarian has established rules that allow horse trainers and others to treat lameness. The bill, and the amendment proposed by the sponsor, continues to allow veterinarians to treat lameness but does not make it their exclusive domain. Vote 16-1.

Rep. Robert K. Dodge for the Minority of Executive Departments and Administration: This amendment would change the veterinary medicine law to allow anyone to treat lameness without a referral from a veterinarian. This will not set well with animal lovers who want the best treatment for their animals.

#### **Amendment (0295h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the practice of veterinary medicine.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Lameness Deleted. Amend RSA 332-B:1, III(a) to read as follows:

(a) To diagnose, treat, correct, change, relieve, or prevent animal disease, [~~lameness~~], deformity, defect, injury, or other physical or mental conditions: including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above.

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill deletes lameness from the definition regarding the practice of veterinary medicine.

Adopted.

Rep. Goulet yielded to questions.

Report adopted and ordered to third reading.

**HB 408-FN, relative to the regulation of nursing by the board of nursing. OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill increases the membership of the board of nursing to include 2 licensed nursing assistants, and it increases the compensation of the board members from \$50 per day to \$100 per day for regular board meetings. Further, this bill repeals and revises various definition and terms concerning licensed nurses, licensed nursing assistants and the practice of nursing. Finally, it defines delegation of nursing tasks by licensed nurses to licensed nursing assistants and other health care workers, and clarifies the associated liabilities and disciplinary actions thereof. The committee recognizes the increased demands that are put on licensed nurses and licensed nursing assistants in today's health care environment. This bill allows licensed nurses to delegate nursing tasks, in compliance with these statutory provisions and administrative rules, which will improve the quality of patient care by increasing access. Further, it will reduce costs through better utilization of available resources, particularly in light of the severe nursing shortage we are faced with today. The subcommittee had difficulties with certain terms and definitions in the original bill. The amendment specifically defines those terms and responsibilities. The bill does not alter the civil or criminal responsibility of the licensed nurse for patient care. Vote 18-0.

**Amendment (0453h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Title. Amend the chapter title of RSA 326-B to read as follows:

**REGISTERED NURSES ~~[AND]~~, LICENSED PRACTICAL NURSES  
AND LICENSED NURSING ASSISTANTS**

2 Purpose; Licensed Nursing Assistants Added. Amend RSA 326-B:1, 1 to read as follows:

I. In order to safeguard life, health, and the public welfare of the people of this state and in order to protect the people of the state of New Hampshire from the unauthorized, unqualified, and improper application of services by individuals in the practice of nursing, it is necessary that a regulatory authority be established and adequately funded. To further this policy the practice of nursing shall be regulated through the New Hampshire board of nursing, and said board shall have the power to enforce the provisions of this chapter. Any persons who practice or offer to practice nursing *or nursing related activities*, or who represent themselves as registered nurses ~~[or]~~, licensed practical nurses, *or licensed nursing assistants* without qualifying under this chapter endanger the public health.

3 Definition; Active in Practice. Amend RSA 326-B:2, I to read as follows:

I. "Active in [the] practice ~~[of nursing]~~" means to practice nursing *as an advanced registered nurse practitioner, registered nurse, or licensed practical nurse or nursing related activities as a licensed nursing assistant* for a minimum number of hours as set by the board.

4 Definition; Licensed Nursing Assistant. Amend RSA 326-B:2, III to read as follows:

III. "Assistant to nurses" or "~~[certified]~~ *licensed* nursing assistant" means a person who is authorized to provide ~~[personal]~~ care under the direction of a registered nurse or licensed practical nurse as defined by the board of nursing.

5 New Paragraph; Definition; Delegation. Amend RSA 326-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Delegation" means the transfer of authority for the performance of a selected task from a licensed nurse authorized to perform the task to someone who does not have the authority, at the discretion of the licensed nurse. Licensed nursing assistants shall not have authority to delegate tasks. The administration of medications shall only be delegated to persons authorized in rules adopted by the board under RSA 541-A or who have successfully completed a board approved curriculum.

6 Definition; License; Licensed Nursing Assistant Added. Amend RSA 326-B:2, XII to read as follows:

XII. "License" means a current document issued by the board permitting the practice of nursing as a registered nurse ~~[or]~~, licensed practical nurse, *or nursing related activities as a licensed nursing assistant*.

7 New Paragraph; Definition; Licensed Nurse. Amend RSA 326-B:2 by inserting after paragraph XII the following new paragraph:



XII-a. "Licensed nurse" means an advanced registered nurse practitioner, registered nurse, or licensed practical nurse.

8 Definition; Practical Nursing. RSA 326-B:2, XVI is repealed and reenacted to read as follows:

XVI. "Practical nursing" means a scope of practice, directed by a registered nurse, advanced registered nurse practitioner, dentist, or physician, by a L.P.N. who is prepared to function as a member of the health care team by exercising sound nursing judgment based on preparation, knowledge, skills understanding, and past nursing experience. Practical nursing by a L.P.N. contributes to the assessment, planning, implementation and evaluation of patient care. Practical nursing includes the delegation of nursing tasks that may be performed by others and which do not conflict with this chapter.

9 Definition; Registered Nursing. RSA 326-B:2, XVIII is repealed and reenacted to read as follows:

XVIII. "Registered nursing" means the application of nursing knowledge, judgment and skill drawn from broad in-depth education in the biological, psychological, social and physical sciences in assessing, diagnosing, planning, implementing and evaluating care which promotes optimum health, wellness, and independence of the individual, family and/or community.

10 Board of Nursing; New Members; Certified Nursing Assistants. Amend RSA 326-B:3, I to read as follows:

I. The board of nursing shall be composed of [9] **11** members to be appointed by the governor with the consent of the council. Suggestions for appointment may be made to the governor by any interested individual, association or entity. The members of the board shall include 5 registered nurses, one of whom shall be an advanced registered nurse practitioner, 2 licensed practical nurses, **2 licensed nursing assistants**, and 2 representative members of the public. The terms of members [~~appointed or reappointed after June 1, 1991;~~] shall be staggered as determined by the governor and council [~~provided that the A.R.N.P. member shall be appointed to a 3-year term. Three members shall be appointed for a term of one year, 3 for a term of 2 years, and 3 for a term of 3 years.~~]. All [subsequent] terms shall be for 3 years, and no member of the board shall be appointed to more than [2] **3** consecutive terms.

11 New Paragraph; Board of Nursing; Licensed Nursing Assistants. Amend RSA 326-B:3 by inserting after paragraph III the following new paragraph:

III-a. The licensed nursing assistant members of the board shall be residents of this state, licensed in good standing under the provisions of this chapter, currently engaged in nursing-related activities, and shall have had no less than 5 years of experience as a licensed nursing assistant, at least 3 of which shall have immediately preceded the date of appointment.

12 Board of Nursing; Compensation Increased. Amend RSA 326-B:3, VI to read as follows:

VI. Each member of the board shall be compensated at the rate of [~~\$50~~] **\$100 for attendance at a regular board meeting and \$50** for each *other* day actually engaged in official duties of the board, and shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties, including travel at the state employee mileage rate.

13 Board of Nursing; Unexpired Terms. Amend RSA 326-B:3, VII to read as follows:

VII. An appointee to a full term on the board shall be appointed by the governor with the consent of the council before the expiration of the term of the member being succeeded and shall become a member of the board on the first day following the appointment expiration date of the previous appointee. Appointees to unexpired portions of full terms shall become members of the board on the day following such appointment, and shall *serve the unexpired term and then be eligible to serve full 3-year terms*.

14 Rulemaking; Nursing Assistants. Amend the introductory paragraph of RSA 326-B:4-a, XIII to read as follows:

XIII. Establishing standards for a basic assistant to nurses education, practice, [~~certification~~] *licensure*, and [~~recertification~~] *renewal of license* program and the issuance of evidence indicating satisfactory completion of such a program, including, but not limited to:

15 Rulemaking; Licensed Nursing Assistants. Amend RSA 326-B:4-a, XVI to read as follows:

XVI. Establishing standards for currently licensed registered and practical nurses' and [~~certified~~] *licensed* nursing assistants' education and scope of practice in primary and secondary school settings, and licensed practical nurses' and [~~certified~~] *licensed* nursing assistants' employment restrictions in elementary and secondary school settings.



16 New Paragraph; Rulemaking; Delegation. Amend RSA 326-B:4-a by inserting after paragraph XVI the following new paragraph:

XVII. Establishing standards of delegation by licensed nurses to licensed and unlicensed caregivers that shall apply to all health care settings, including but not limited to acute care facilities, long-term care facilities, home care, and schools.

17 Qualifications for License. Amend RSA 326-B:6, III to read as follows:

III. Have graduated from a board-approved nursing education program; or demonstrate comparable nursing educational preparation recognized by the board; or have graduated from a foreign nursing program and successfully completed the CGFNS examination *or a curriculum evaluation*; or have graduated from a recognized Canadian nursing education program; *or is a candidate who has applied for licensure in New Hampshire and who has practiced successfully for at least 2 years in the United States.*

18 Qualifications for License. Amend RSA 326-B:7, I(d) to read as follows:

(d) Have been active in ~~[the] practice [of nursing]~~ within a period of 4 years from the date of application or submit evidence of completion of a re-entry program acceptable to the board.

19 Renewal of Licenses. Amend RSA 326-B:8, I and II to read as follows:

I. Any person licensed under this chapter who intends to practice professional nursing ~~[or, practical nursing, or assistant to nursing]~~ in this state shall renew his *or her* license ~~[prior to his]~~ *no later than the person's* birthday on a biennial schedule established by the board on a renewal application furnished by the board. At least one month before the *licensee's* birthday ~~[of all licensees currently licensed]~~, the board shall mail a renewal application, in the renewal year, to the ~~[last known]~~ *licensee's* address *on file with the board*. Failure to receive such application shall not excuse the licensee from the requirement to renew ~~[his] the~~ license *prior to his or her birthday*. *A completed application for renewal shall be required to be at the board's office no later than midnight on the licensee's birthday.*

II. Any license not renewed pursuant to paragraph I is considered to have lapsed; the licensee may have his *or her* lapsed license reinstated on satisfactory explanation and payment of the required fee.

20 Temporary Licensure. Amend the introductory paragraph of RSA 326-B:9 to read as follows: A temporary ~~[licensure, not to exceed]~~ *license valid up to 180 days, with renewal approval at the board's discretion*, shall be granted to:

21 Temporary Licensure; Inactive. Amend RSA 326-B:9, III to read as follows:

III. Nurses inactive for 4 years *or more* who are enrolled in a re-entry program upon confirmation of ~~[most recent licensure]~~ *a license from another jurisdiction*. Applicants shall be restricted to practice under the supervision of a registered nurse.

22 Disciplinary Actions; Misconduct. Amend RSA 326-B:12, II(a)-(f) to read as follows:

(a) The practice of fraud or deceit in procuring or attempting to procure a license ~~[to practice nursing]~~;

(b) Conviction of a felony or any ~~[offense involving moral turpitude]~~ *criminal act, not including traffic offenses*;

(c) Dishonest or unprofessional conduct, including, but not limited to, ~~[intentionally]~~ harming, abusing or exploiting a patient, defrauding or harming the public in matters related to the practice of nursing *or nursing-related activities*, ~~[willfully]~~ failing to maintain accurate and complete nursing records, acts of omission or commission when practicing nursing *or nursing-related activities* as set forth in rules adopted by the board pursuant to RSA 541-A, ~~[and]~~ *or* violating disciplinary orders or settlement agreements approved by the board;

(d) ~~[Gross or repeated negligence when practicing nursing, activities ancillary to the practice of nursing, or any particular aspect or specialty thereof, or the]~~ Presence of a mental or physical deficiency, or an established behavior pattern which is incompatible with the basic knowledge and competence expected of persons licensed to practice nursing or any particular aspect or specialty thereof;

(e) Addiction to or abuse of alcohol or other habit-forming drugs or substances which render the licensee unfit to practice nursing *or nursing-related activities*;

(f) ~~[Willful or repeated]~~ Violations of any provision of this chapter, any substantive rule adopted by the board pursuant to RSA 541-A, or any other state or federal statute or substantive rule ~~[applicable to the practice of nursing]~~ *reasonably related to the licensee's ability to safely practice nursing or nursing-related activities.*

23 Reporting of Misconduct. Amend RSA 326-B:12, V to read as follows:

V. Every individual, agency, facility, institution or organization that employs ~~[nurses]~~ **licensed nursing personnel** within the state shall report to the board within 30 days any action by a nurse or nursing assistant that willfully violates paragraph II of this section. The board shall have authority, after notice and the opportunity for hearing, to impose civil penalties of up to \$1,000 per violation upon persons found to have willfully violated the reporting requirements of this paragraph.

24 Hearings; Presiding Officer. Amend RSA 326-B:13-a, I to read as follows:

I. The board may hold adjudicative hearings concerning allegations of misconduct or other matters within the scope of this chapter. Such hearings shall be public proceedings. Any member of the board **other than the public members**, or any other qualified person appointed by the board, shall have authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

25 Gender Neutral. Amend RSA 326-B:17, IV to read as follows:

IV. Nursing services by any certified unlicensed graduate nurse who has been engaged in this state in nursing the sick for hire without assuming in any way to be a registered nurse, as ~~[his]~~ **a** bona fide occupation previous to July 1, 1959 and who was certified prior to January 1, 1975;

26 Gender Neutral. Amend RSA 326-B:24 to read as follows:

326-B:24 Continued Competence of Nurses. The board shall establish procedures by which the individual licensee maintains ~~[his]~~ continued competence for relicensure. Procedures to evaluate and ensure continued competence shall be established by rules adopted by the board pursuant to RSA 541-A.

27 Nursing Assistant; Rulemaking; Licensure. Amend RSA 326-B:29, I to read as follows:

I. The board shall adopt a schedule of fees, adopted by rule under RSA 541-A, for examination, ~~[registration]~~ **licensure**, renewal, ~~[recertification]~~ **relicensure**, endorsement, and verification of nursing assistants.

28 New Section; Liability for Delegated Duties. Amend RSA 326-B by inserting after section 32 the following new section:

326-B:33 Liability for Delegated Duties.

I. A nurse licensed under this chapter who delegates a specific nursing activity or task in compliance with the rules adopted pursuant to RSA 326-B:4-a, XVII shall not be subject to disciplinary action by the board of nursing for the performance of a person to whom the nursing activity or task is delegated.

II. Caregivers who properly follow delegation orders that are made in compliance with the rules adopted pursuant to RSA 326-B:4-a, XVII shall not be subject to disciplinary action by the board of nursing for the performance of their delegated duties.

III. No person may coerce a licensed nurse into compromising patient safety by requiring the licensed nurse to delegate if the licensed nurse determines that it is inappropriate to do so. Licensed nurses shall not be subject to disciplinary action by the board of nursing for refusing to delegate nursing activities or tasks or refusing to provide the required training for delegation if the nurse determines that delegation may compromise patient safety.

29 Repeat. The following are repealed:

I. RSA 326-B:2, IX, relative to definition of directing.

II. RSA 326-B:2, XIV, relative to definition of medical regimen.

III. RSA 326-B:2, XV, relative to definition of nursing regimen.

30 Effective Date. This act shall take effect July 1, 2001.

Adopted.

Report adopted and ordered to third reading.

**HB 390**, relative to the Born-Alive Infants Protection Act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Daniel M. Burnham for the Majority of Health, Human Services and Elderly Affairs: By repeating in RSA 132 ("Protection for Maternity and Infancy") the definition of "live birth" now carried in the rules section of the Department of Health and Human Services Bureau of Vital records, HB 390 as amended will codify the definition in statute. This will serve to enhance the protection of live born infants. The definition consists of this sentence: "In this subdivision, the term "live birth" means the complete expulsion or extraction from it's mother of a product of human conception, irrespective of the duration of the pregnancy, which after such expulsion or extraction breathes or shows any other evidence of life such as the beating of the heart, pulsation of the

umbilical cord or definite movement of voluntary muscles whether or not the umbilical cord has been cut or the placenta is attached." This definition, as proposed in the amendment, is similar to ones in at least thirty-one states. The amended bill eliminates a proposed application section, which would have applied the above definition to every NH statute, rule, regulation or application, in which the words "person", "child", "human being" or "individual" appear without any analysis of unintended consequences. Vote 11-7.

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This bill in the original drafting included an application clause including the definition of "born alive". This amendment changes "born alive" to "live birth" and removes this definition from being applied anywhere specifically in law. Also, the term "product of human conception" is found nowhere else in state law and creates confusion as to the status of what "is" born by live birth - a baby, infant, child, person.

### **Amendment (0290h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the Live-Birth Infants Protection Act.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Live-Birth Infants Protection Act. Amend RSA 132 by inserting after section 21 the following new subdivision:

Live-Birth Infants Protection Act

132:22 This subdivision shall be known and may be cited as the Live-Birth Infants Protection Act.

132:23 Definition.

I. In this subdivision "live-birth" means the complete expulsion or extraction from its mother of a product of a human conception, irrespective of the duration of the pregnancy, which after such expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

II. The definition under paragraph I shall apply whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

2 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill establishes the Live-Birth Infants Protection Act.

The question being the adoption of the majority amendment.

Reps. Wendelboe and Soltani spoke against the amendment and yielded to questions.

Reps. Craig and Pilliod spoke in favor of the amendment and yielded to questions.

Rep. Phyllis Woods spoke against.

Reps. Millham and Cecelia Kane spoke in favor.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question being the adoption of the majority amendment.

### **YEAS 188 NAYS 173**

#### **YEAS 188**

#### **BELKNAP**

Bartlett, Gordon  
Millham, Alida  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Salatiello, Thomas

Flanders, Donald  
Pilliod, James  
Thomas, John

Holbrook, Robert  
Rice, Thomas Jr  
Wood, Jane

#### **CARROLL**

Babson, David Jr  
Sullivan, P Judith

Dickinson, Howard

Patten, Betsey

Philbrick, Donald

#### **CHESHIRE**

Allen, Peter  
DePecol, Benjamin  
Hunt, John  
Pratt, John  
Zerba, Roger

Avery, Stephen  
Dexter, Judson  
McGuirk, Paul  
Richardson, Barbara

Batchelder, Robert  
Emerson, Susan  
Meador, David  
Roberts, William

Burnham, Daniel  
Espieffs, Peter  
Mitchell, McKim  
Weed, Charles



**COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Lovett, Sid	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Teschner, Douglass	

**HILLSBOROUGH**

Alukonis, David	Balcom, John	Buckley, Raymond	Calawa, Leon Jr
Christensen, D L Chris	Clayton, William	Clemons, Jane	Cote, David
Craig, James	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Eaton, Richard	Fletcher, Richard	Ford, Nancy	Foster, Linda
Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Holden, Randolph
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Kurk, Neal	Lasky, Bette	Leishman, Peter	Lynde, Harold
Melcher, Harold	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Panagopoulos, Nicholas	Peterson, Andrew	Rowe, Robert	Sargent, Maxwell
Spiess, Paul	Thulander, O Alan	Wheeler, Robert	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Cummings, Raymond	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	Langer, Ray
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cooney, Richard	Downing, Michael
Flanders, John Sr	Francoeur, Sheila	Gleason, John	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Major, Norman
McGuire, Robert	Micklton, Stephanie	Morse, Charles	Norelli, Terie
Pantelakos, Laura	Reardon, Neil	Saia, Pamela	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	

**STRAFFORD**

Brown, Julie	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Odell, Bob	Phinizy, James	Robb, Amy	



**NAYS 173****BELKNAP**

Boyce, Laurie	Dewhirst, Glenn	Johnson, William	Lawton, David
Rosen, Ralph	Wendelboe, Fran		

**CARROLL**

Bradley, Jeb	Kenney, Joseph	Mock, Henry	Quimby, Lee
Stevens, Stanley	Torressen, Gary		

**CHESHIRE**

Edwards, Dana	Fairbanks, Chandler	Manning, Joseph	Royce, H Charles
Smith, Edwin			

**COOS**

Horton, Lynn	Pratt, Leighton	Rozek, Michael
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**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Ward, Brien	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Bouchard, David	Bouldin, Michael	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Drabinowicz, A Theresa	Dwyer, Paul
Elliott, Larry	Emerton, Lawrence Sr	Flora, Kathleen	Gonzalez, Carlos
Goulet, Maurice	Greenberg, Gary	Guinta, Frank	Haley, Robert
Hall, Charles	Herman, Keith	Hopper, Gary	Jean, Claudette
Jean, Loren	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Lefebvre, Roland	Martel, Andre	McDonough-Wallace, Alice
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Palangas, Eric	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Salts, Greg	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Souza, Kathleen	Sweeney, Cynthia	Tahir, Saghir
Tate, Joan	Tompson, Rob	Vaillancourt, Steve	White, Donald
White, John			

**MERRIMACK**

Colcord, J D	Daneault, Gabriel	Dunne, Christopher	Kennedy, Richard
Leber, William	Poulin, David	Soltani, Tony	Whalley, Michael
Winter, Steven			

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Chalbeck, Kevin	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Fesh, Bob	Flanagan, Natalie	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
McKinney, Betsy	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Pitts, Jacqueline	Power, Lucille	Priestley, Anne

Putnam, Ed II  
Robertson, Carl  
Welch, David

Quandt, Marshall  
Ruffner, Walter  
Weyler, Kenneth

Quandt, Matthew  
Sapareto, Frank  
Woekel, Ralph

Rausch, James  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Albert, Russell  
Cossette, Larry  
McCarthy, Gerald  
Woods, Phyllis

Berube, Roger  
Harrington, Michael  
Reid, Christopher

Bickford, David  
Heon, Richard  
Tsiros, William

Callaghan, Frank  
Lachance, Douglas  
Twombly, James

### SULLIVAN

Jones, Constance

Leone, Richard

Rodeschin, Beverly

and the majority amendment was adopted.

The question being the adoption of the majority report.

Rep. Giuda requested a roll call; sufficiently seconded.

### YEAS 196 NAYS 166

#### YEAS 196

#### BELKNAP

Bartlett, Gordon  
Millham, Alida  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Salatiello, Thomas

Flanders, Donald  
Pilliod, James  
Thomas, John

Holbrook, Robert  
Rice, Thomas Jr  
Wood, Jane

#### CARROLL

Babson, David Jr  
Quimby, Lee

Dickinson, Howard  
Stevens, Stanley

Patten, Betsey  
Sullivan, P Judith

Philbrick, Donald

#### CHESHIRE

Allen, Peter  
Emerson, Susan  
Meador, David  
Roberts, William

Batchelder, Robert  
Espieffs, Peter  
Mitchell, McKim  
Royce, H Charles

Burnham, Daniel  
Hunt, John  
Pratt, John  
Weed, Charles

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara  
Zerba, Roger

#### COOS

Bradley, Paula  
Landers, Dana  
Tholl, John Jr

Davis, Perley  
Mears, Edgar  
Woodward, David

Gallus, John  
Rodrigue, Robert

Horton, Lynn  
Stohl, Eric

#### GRAFTON

Akins, Ralph  
Cooney, Mary  
Scovner, Nancy

Almy, Susan  
Eaton, Stephanie  
Sokol, Hilda

Barker, Robert  
Lovett, Sid  
Solow, Martha

Benn, Bernard  
Pawlek, Marion  
Teschner, Douglass

#### HILLSBOROUGH

Alukonis, David  
Buckley, Raymond  
Clayton, William  
Craig, James  
Ford, Nancy  
Ginsburg, Ruth  
Graham, John  
Johnson, Lionel  
Kurk, Neal  
Melcher, Harold  
Panagopoulos, Nicholas  
Seibel, Christopher

Arnold, Thomas Jr  
Calawa, Leon Jr  
Clemons, Jane  
Dokmo, Cynthia  
Foster, Linda  
Golding, William  
Guinta, Frank  
Kacavas, John  
Lasky, Bette  
Messier, Irene  
Peterson, Andrew  
Spiess, Paul

Artz, Lawrence  
Carlson, Donald  
Cote, David  
Drisko, Richard  
Furman, Christine  
Goley, Jeffrey  
Hall, Charles  
Keye, Harvey  
Leishman, Peter  
Movsesian, Lori  
Rowe, Robert  
Thulander, O Alan

Balcom, John  
Christensen, D L Chris  
Coughlin, Pamela  
Dyer, Merton  
Gargasz, Carolyn  
Gorman, Mary  
Holden, Randolph  
Konys, Christine  
Lynde, Harold  
O'Connell, Timothy  
Sargent, Maxwell  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Cummings, Raymond	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Greco, Vincent	Hager, Elizabeth
Hutchinson, John	Jacobson, Alf	Langer, Ray	MacKay, James
Maxfield, Roy	Moore, Carol	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Camm, Kevin	Case, Margaret
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Downing, Michael	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Hutchinson, Karen	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Major, Norman	McGuire, Robert	Micklon, Stephanie	Morse, Charles
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Rausch, James
Reardon, Neil	Saia, Pamela	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John			

**STRAFFORD**

Brown, Julie	DeChane, Marlene	Dunlap, Patricia	Gilmore, Gary
Grassie, Anne	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James	Robb, Amy		

**NAYS 166****BELKNAP**

Boyce, Laurie	Dewhirst, Glenn	Johnson, William	Lawton, David
Rosen, Ralph	Wendelboe, Fran		

**CARROLL**

Bradley, Jeb	Kenney, Joseph	Mock, Henry	Torressen, Gary
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**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Manning, Joseph	Smith, Edwin		

**COOS**

Pratt, Leighton	Rozek, Michael
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**GRAFTON**

Alger, John	Cobb, John	Dudley, Terri	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Ward, Brien		

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter

Desrosiers, William  
Eaton, Richard  
Flora, Kathleen  
Haley, Robert  
Jean, Loren  
Leach, Edward  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Souza, Kathleen  
Thompson, Rob

Dionne, Kimberley  
Elliott, Larry  
Gonzalez, Carlos  
Herman, Keith  
L'Heureux, Robert  
Lefebvre, Roland  
McRae, Karen  
Palangas, Eric  
Salts, Greg  
Sweeney, Cynthia  
Vaillancourt, Steve

Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Goulet, Maurice  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Mercer, Robert  
Pappas, Marc  
Schulze, Joan  
Tahir, Saghir  
White, Donald

Dwyer, Paul  
Fletcher, Richard  
Greenberg, Gary  
Jean, Claudette  
LaRose, Richard  
McDonough-Wallace, Alice  
Milligan, Robert  
Pepino, Leo  
Shaw, Barbara  
Tate, Joan  
White, John

### MERRIMACK

Colcord, J D  
Kennedy, Richard  
Soltani, Tony

Daneault, Gabriel  
Leber, William  
Whalley, Michael

Dunne, Christopher  
Lockwood, Priscilla  
Winter, Steven

Hess, David  
Poulin, David

### ROCKINGHAM

Arndt, Janet  
Chalbeck, Kevin  
Dearborn, Bruce  
Flanagan, Natalie  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Langley, Jane  
Moore, Benjamin  
Power, Lucille  
Quandt, Matthew  
Sloan, Stephen  
Woekel, Ralph

Belanger, Ronald  
Corbin, Corey  
DiFruscia, Anthony  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
Nowe, Ronald  
Priestley, Anne  
Robertson, Carl  
Varrell, Thomas  
Zolla, William

Bishop, Franklin  
Cox, Russell  
Dodge, Robert  
Gilbert, Karl  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
Letourneau, Robert  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Welch, David

Bridle, Russell  
Dalrymple, Janeen  
Fesh, Bob  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy  
Palermo, Diane  
Quandt, Marshall  
Sapareto, Frank  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Cossette, Larry  
McCarthy, Gerald  
Woods, Phyllis

Berube, Roger  
Harrington, Michael  
Reid, Christopher

Bickford, David  
Heon, Richard  
Tsiros, William

Callaghan, Frank  
Lachance, Douglas  
Twombly, James

### SULLIVAN

Jones, Constance  
and the majority report was adopted.  
Ordered to third reading

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire constitution, Reps. Boyce, Flora, Giuda, Mirski, Phyllis Woods, Wendelboe, Palermo, Hopper, Balboni, Rogers Johnson, Sapareto, Marshall Quandt and Matthew Quandt requested that their protest be entered on the Journal.

We believe the bill should have been passed without the amendment supporting protection of live born infants.

### REGULAR CALENDAR (CONT'D)

**HB 638**, relative to certification of food protection managers. **INEXPEDIENT TO LEGISLATE**  
Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: HB 638 proposed requiring at least one full-time employee at most food service establishments to be assigned as a certified food protection manager. The bill defined the food protection manager as a person who has taken and passed a food protection manager certification program that meets the standards of the Conference For Food Protection. The committee was impressed by the obvious need for better food protection, but in the end believed this legislation would duplicate other programs and put too much of a burden on sandwich stands and other small facilities. Vote 13-4.  
Adopted.



**HB 550-FN**, relative to remedies under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Phyllis L. Woods for Judiciary: This bill prohibits destruction of any requested information subject to the right-to-know law prior to inspection. The bill was amended so that documents scheduled for destruction would have to be retained for 90 days pending any lawsuit. This would prohibit anyone from willfully or knowingly destroying documents after requested. Vote 18-2.

**Amendment (0401h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Destruction of Information Prohibited. Amend RSA 91-A by inserting after section 8 the following new section:

91-A:9 Destruction of Information Prohibited; Penalty. Any information, electronic or written, which is requested for inspection, pursuant to this chapter, shall not be destroyed in any manner prior to such inspection. If a request for inspection is denied on the grounds that the information is exempt from the provisions of this chapter, the requested material shall be preserved for 90 days or while any lawsuit pursuant to RSA 91-A:7-8 is pending. In addition to other remedies under this chapter, any person who purposely and knowingly violates this section shall be guilty of a class A misdemeanor.

**AMENDED ANALYSIS**

This bill declares that any information requested pursuant to the right-to-know law shall not be destroyed prior to such inspection. This bill provides a procedure for when inspection is denied. Under this bill, any person who purposely and knowingly violates this provision shall be guilty of a class A misdemeanor.

Adopted.

Rep. John Pratt spoke against and yielded to questions.

Rep. Reid spoke in favor and yielded to questions.

Report adopted.

**SUSPENSION OF RULES**

Rep. Burling moved that the Rules be so far suspended as to permit referral of **HB 550-FN**, relative to remedies under the right-to-know law, to a second committee beyond the deadline.

Adopted by the necessary two-thirds.

Referred to Criminal Justice and Public Safety.

**HB 101**, relative to suspension of lobbyists for false statements or misrepresentation of material facts. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Scanlan for Legislative Administration: This bill, as amended, adds the following statement for lobbyists registering under RSA 15:1. "I hereby swear, under penalties of perjury, that I will not knowingly make any false statement or material misrepresentation before any joint, senate, or house committee or any chaptered or statutory committee on legislative matters, for the purpose of affecting the determination of that committee." The committee felt this statement reflects the importance and seriousness of the public testimony from lobbyists upon which important decisions will be based. Vote 11-0.

**Amendment (0286h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring registered lobbyists to sign a statement concerning false statements or misrepresentation of material facts.

Amend the bill by replacing section 1 with the following:

1 New Section; Statement Required. Amend RSA 15 by inserting after section 1 the following new section:

15:1-a Statement Required. Any person registering under RSA 15:1 shall sign and submit to the secretary of state the following statement: "I hereby swear, under penalties of perjury, that I will not knowingly make any false statement or material misrepresentation before any joint, senate, or house committee or any chaptered or statutory committee on legislative matters, for the purpose of affecting the determination of that committee."

AMENDED ANALYSIS

This bill requires lobbyists registering with the secretary of state to sign and submit a statement concerning false statements or material misrepresentation.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDERS

**HB 292-FN**, relative to the travel allowance for members of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Legislative Administration: The committee reviewed the sponsor's intent very carefully. It was revealed that under this bill, in order to receive mileage payments, all new legislators elected in the next term would be unable to car-pool to Concord and would be required to drive from their home each day for reimbursement. Furthermore, the committee has another bill under consideration for mileage reimbursement that may be considered more suitable. Vote 11-0. Rep. Arnold spoke against.

Adopted.

**HB 546-FN-A-L**, relative to allowing cities and towns to permit slot machines and other games of chance. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: This bill and amendment would allow local municipalities to permit the operation of gambling ranging from single games of chance to major casino operations. While the committee recognized the funding needs of the state and its local governments, it felt that expanded gambling was not the solution to the problem. The committee received extensive testimony against the bill from a wide and diverse range of organizations that included law enforcement officials, church groups, business interests, taxpayer groups and representatives speaking for children and women. The committee concurred that the social and law enforcement costs of gambling negated the positive impact of additional revenues. Further, gambling would have a negative impact on the quality of life in New Hampshire leading to increased addiction, injury to children, and damage to family life and financial health. Expanded gambling is, in a sense, a highly regressive tax, falling on the poor in search of an instant remedy to their financial problems. Gambling would also hurt existing New Hampshire businesses involved in tourism. Furthermore, this particular bill could pit one town against another. A town that chose not to permit gambling activity would still be susceptible to the costs incurred from the activity of a neighboring municipality. Finally, except for application and licensing fees, all profits from the gambling activity would accrue to the gambling owners. Vote 16-0.

Rep. DiFruscia spoke against.

Reps. Lovett and William Johnson spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. DiFruscia moved that **HB 546-FN-A-L**, relative to allowing cities and towns to permit slot machines and other games of chance, be laid upon the table.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being the adoption of motion to lay on the table.

YEAS 55 NAYS 290

YEAS 55

BELKNAP

Czech, Stanley

CARROLL

Dickinson, Howard

CHESHIRE

Dexter, Judson

Espieffs, Peter

Roberts, William

Smith, Edwin

COOS

Gallus, John

Horton, Lynn

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Cobb, John

**HILLSBOROUGH**

Baroody, Benjamin  
Christiansen, Lars  
Eaton, Richard  
Holden, Randolph  
Milligan, Robert

Bruno, Pierre  
Clemons, Jane  
Goley, Jeffrey  
Keye, Harvey  
Moran, Edward

Calawa, Leon Jr  
Drabinowicz, A Theresa  
Gorman, Mary  
McDonough-Wallace, Alice  
Palangas, Eric

Christensen, D L Chris  
Dwyer, Paul  
Graham, John  
McRae, Karen  
Shaw, Barbara

**MERRIMACK**

Langer, Ray

Seldin, Gloria

Whittemore, James

**ROCKINGHAM**

Belanger, Ronald  
Giordano, Ronald  
Langley, Jane  
Weyler, Kenneth

Camm, Kevin  
Griffin, Mary  
Micklon, Stephanie

Corbin, Corey  
Hutchinson, Karen  
Priestley, Anne

DiFruscia, Anthony  
Kelley, William  
Reardon, Neil

**STRAFFORD**

Berube, Roger  
Rollo, Michael

Brown, Julie  
Taylor, Kathleen

Callaghan, Frank  
Tsiros, William

Proulx, Raymond  
Woodill, Rodney

**SULLIVAN**

None

**NAYS 290****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Nedeau, Stephen  
Russell, David  
Wood, Jane

Boyce, Laurie  
Johnson, William  
Pilliod, James  
Salatiello, Thomas

Dewhirst, Glenn  
Lawton, David  
Rice, Thomas Jr  
Thomas, John

Flanders, Donald  
Millham, Alida  
Rosen, Ralph  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Patten, Betsey  
Torressen, Gary

Bradley, Jeb  
Philbrick, Donald

Kenney, Joseph  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

**CHESHIRE**

Allen, Peter  
DePecol, Benjamin  
Hunt, John  
Mitchell, McKim  
Weed, Charles

Avery, Stephen  
Edwards, Dana  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Emerson, Susan  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Fairbanks, Chandler  
Meador, David  
Royce, H Charles

**COOS**

Bradley, Paula  
Rozek, Michael

Davis, Perley  
Stohl, Eric

Mears, Edgar  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Gilman, G Michael  
Mirski, Paul  
Sokol, Hilda

Alger, John  
Cooney, Mary  
Giuda, Robert  
Pawlek, Marion  
Sova, Charles

Almy, Susan  
Dudley, Terri  
Lovett, Sid  
Scanlan, David  
Teschner, Douglass

Barker, Robert  
Eaton, Stephanie  
Marshall, Gene  
Scovner, Nancy  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Buckley, Raymond	Carlson, Donald	Chabot, Robert
Clayton, William	Clegg, Robert Jr	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Desrosiers, William	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Charles	Herman, Keith
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kacavas, John
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lasky, Bette	Leach, Edward	Leishman, Peter
Lynde, Harold	McHugh, Claire	Melcher, Harold	Mercer, Robert
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Panagopoulos, Nicholas
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Schulze, Joan
Seibel, Christopher	Souza, Kathleen	Spiess, Paul	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	White, John

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Greco, Vincent
Hager, Elizabeth	Hess, David	Hutchinson, John	Jacobson, Alf
Kennedy, Richard	Leber, William	Lockwood, Priscilla	MacKay, James
Moore, Carol	Perkins, Randy	Potter, Frances	Poulin, David
Rodd, Beth	Rush, Deanna	Soltani, Tony	Swindlehurst, John
Wallner, Mary Jane	Whalley, Michael	Winter, Steven	Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet	Blanchard, MaryAnn	Bowles, Raimond	Bridle, Russell
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Gleason, John	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langone, John	Letourneau, Robert	Major, Norman	McGuire, Robert
McKinney, Betsy	Morse, Charles	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Pitts, Jacqueline	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Robertson, Carl	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Stone, Joseph
Stritch, C Donald	Trueman, Raymond	Varrell, Thomas	Weatherpoon, Jacquelyne
Welch, David	Whittier, John	Woekel, Ralph	Zolla, William

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Reid, Christopher	Smith, Marjorie
Snyder, Clair	Twombly, James	Wall, Janet	Woods, Phyllis



**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Robb, Amy	Rodeschin, Beverly		

and the motion failed.

Report adopted.

**HCR 10, supporting the electoral college. OUGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: This House Concurrent Resolution supports the election of President by the Electoral College and urges the defeat of any attempt to amend the constitution to abolish the Electoral College. The committee feels strongly that it is in the best interests of New Hampshire to continue this important process. Vote 14-0.

Rep. Melcher requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 251 NAYS 97****YEAS 251****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Salatiello, Thomas	Thomas, John	Wendelboe, Fran
Wood, Jane			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Torresen, Gary		

**CHESHIRE**

Avery, Stephen	DePecol, Benjamin	Dexter, Judson	Edwards, Dana
Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler	Hunt, John
Manning, Joseph	McGuirk, Paul	Meador, David	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Rodrigue, Robert	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Giuda, Robert	Lovett, Sid	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Teschner, Douglass	Ward, Brien

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Furman, Christine	Gargaszy, Carolyn

Golding, William  
Greenberg, Gary  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Salts, Greg  
Souza, Kathleen  
Tate, Joan  
Wheeler, Robert

Gonzalez, Carlos  
Guinta, Frank  
Holden, Randolph  
L'Heureux, Robert  
Leishman, Peter  
McRae, Karen  
Moran, Edward  
Peterson, Andrew  
Sargent, Maxwell  
Spiess, Paul  
Thompson, Rob  
White, Donald

Goulet, Maurice  
Haley, Robert  
Jean, Loren  
LaFlamme, Paul  
Lynde, Harold  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Seibel, Christopher  
Sweeney, Cynthia  
Thulander, O Alan

Graham, John  
Hall, Charles  
Johnson, Lionel  
LaRose, Richard  
McDonough-Wallace, Alice  
Messier, Irene  
Pappas, Marc  
Rowe, Robert  
Shaw, Barbara  
Tahir, Saghir  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Davis, Frank  
Hess, David  
Leber, William  
Soltani, Tony  
Winter, Steven

Brewster, Richard  
Feuerstein, Martin  
Hutchinson, John  
Lockwood, Priscilla  
Swindlehurst, John

Colcord, J D  
Fraser, Leo Jr  
Kennedy, Richard  
MackKay, James  
Whalley, Michael

Cummings, Raymond  
Hager, Elizabeth  
Langer, Ray  
Poulin, David  
Whittemore, James

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Reardon, Neil  
Sloan, Stephen  
Welch, David  
Zolla, William

Belanger, Ronald  
Case, Margaret  
Corbin, Corey  
Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

Bowles, Raimond  
Chalbeck, Kevin  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Stritch, C Donald  
Whittier, John

Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Kelley, William  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Sapareto, Frank  
Varrell, Thomas  
Woekel, Ralph

### STRAFFORD

Albert, Russell  
Dunlap, Patricia  
McCarthy, Gerald  
Tsiros, William

Bickford, David  
Harrington, Michael  
Pelletier, Arthur  
Twombly, James

Brown, Julie  
Heon, Richard  
Pelletier, Marsha  
Woods, Phyllis

Cossette, Larry  
Kaen, Naida  
Reid, Christopher

Flint, Gordon Sr  
Phinizy, James

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

Odell, Bob

### NAYS 97

### BELKNAP

Johnson, William

### CARROLL

### CHESHIRE

Allen, Peter  
Pratt, John

Batchelder, Robert  
Richardson, Barbara

Burnham, Daniel  
Weed, Charles

Mitchell, McKim  
Zerba, Roger

None

**COOS**

Bradley, Paula

Landers, Dana

Mears, Edgar

**GRAFTON**Benn, Bernard  
Sokol, HildaCooney, Mary  
Solow, Martha

Pawlek, Marion

Scovner, Nancy

**HILLSBOROUGH**Andosca, Mary  
Clayton, William  
Craig, James  
Ginsburg, Ruth  
Kacavas, John  
Melcher, Harold  
Schulze, JoanBaroody, Benjamin  
Clemmons, Jane  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Keye, Harvey  
Movsesian, Lori  
White, JohnBellavance, Paul  
Cote, David  
Dwyer, Paul  
Gorman, Mary  
Konys, Christine  
Palangas, EricBuckley, Raymond  
Cote, Peter  
Foster, Linda  
Jean, Claudette  
Lasky, Bette  
Panagopoulos, Nicholas**MERRIMACK**Bouchard, Candace  
Greco, Vincent  
Potter, Frances  
Wallner, Mary JaneDaneault, Gabriel  
Jacobson, Alf  
Rodd, Beth  
Yeaton, CharlesFraser, Marilyn  
Moore, Carol  
Rush, DeannaFrench, Barbara  
Perkins, Randy  
Seldin, Gloria**ROCKINGHAM**Blanchard, MaryAnn  
Johnson, Robert  
Micklon, Stephanie  
Shultis, ElizabethClark, Martha Fuller  
Kane, Cecelia  
Norelli, Terie  
Splaine, JamesCoes, Betsy  
Kelley, Jane  
Pitts, Jacqueline  
Trueman, RaymondDiFruscia, Anthony  
McGuire, Robert  
Robertson, Carl  
Weatherspoon, Jacquelyne**STRAFFORD**Berube, Roger  
Hughes, Christopher  
Proulx, Raymond  
Taylor, KathleenCallaghan, Frank  
Johnson, Nancy  
Rollo, Michael  
Wall, JanetDeChane, Marlene  
Knowles, William  
Smith, Marjorie  
Woodill, RodneyGilmore, Gary  
Lent, Donald  
Snyder, Clair**SULLIVAN**Allison, David  
Franklin, PeterBurling, Peter  
Harris, JosephCloutier, John  
Harris, SandraFerland, Brenda  
Robb, Amyand the report was adopted.  
Ordered to third reading.**REGULAR CALENDAR (CONT'D)****HCR 12**, requesting that the federal government lift federal preemption of regulation of gas pipelines and pipelines carrying other hazardous substances. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Pamela D. Coughlin for the Majority of State-Federal Relations and Veterans Affairs: This house concurrent resolution requests that the federal government lift federal preemption of regulation of pipelines carrying gas and other hazardous substances. The committee has a great deal of respect for the concerns of the sponsor but feels that this resolution is premature as HB 166 which is a study committee to study gas and hazardous substance pipeline safety which has passed the house and is now in the senate is still pending. This resolution also may be a violation of the commerce clause because the state's interest has not been defined. Vote 8-6.

Rep. Lucille V. Power for the Minority of State-Federal Relations and Veterans Affairs: The minority felt that when public safety is potentially at risk, the legislature should act swiftly in protecting our citizens. This bill is in concert with HB166 asking that New Hampshire not only study the issue of pipeline safety but that we also be given "state control" to act upon the findings.

Rep. Avery moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to State-Federal Relations and Veterans Affairs.

### SPECIAL ORDERS

**HB 283-FN**, establishing a low-digit plate lottery for plates reacquired by the department of safety and for low-digit plates not yet issued by the department. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a low-digit license plate lottery. At first blush this seems to be a good idea, however, consider the litigation possibilities. Hypothetical examples: A parent with a low-digit license plate that has been in the family for years passes away. Siblings would all want the plate. Which sibling would get the plate? The courts would have to try to render an unbiased opinion and family members would be fighting over a plate. A husband and wife who have one set of low-digit plates are involved in a divorce proceeding; both would want the plate, more litigation. The New Hampshire State Legislature has delegated the sole responsibility of all license plates to the Commissioner of Safety. All license plates and numbers assigned to them are the sole property of the state of New Hampshire. The Attorney General has successfully represented the state in several cases involving low-digit plates and has prevailed in each case. While this may not be a perfect system, overall it works well for the citizens of New Hampshire. Vote 15-0.

Adopted.

**HB 473-FN**, authorizing the department of safety to issue special amateur radio operator plates. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders for Transportation: Although submitted with good intentions, this bill will not sell enough plates to pay for the initial manufacturing costs. Already there is the ability for amateur radio operators to have their call letters on their license plates in the form of vanity plates. It was suggested in committee discussions that a sticker might be developed to be applied to the rear window of the vehicle for identification purposes. Vote 13-2.

Rep. Rosen spoke against.

Rep. John Flanders spoke in favor.

Adopted.

**HB 474-FN**, relative to motor vehicle plates for firefighters and emergency medical care providers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a special license plate for emergency medical care providers and firefighters that respond to calls. The committee recognizes the valuable work that these individuals provide for the citizens of New Hampshire. This bill, if passed, essentially would provide free license plates for these individuals. Additionally, minimum startup cost for any new plate issue is approximately \$25,000.00, including computer time, planning, artist fees and printing. The minimum number of plates to be manufactured for any new issue is 5,000 pairs at a cost of \$67,000.00. Committee research revealed that the neighboring states of Connecticut and Vermont have issued 39 and 239 sets of plates; Maine recorded 4421 plates from a population of 1.2 million. The committee felt first that this is the start of the slippery slope and would lead to many organizations requesting special plates. Furthermore, the committee felt that the number of plates that would be sold would not meet the minimum requirement for production, costing the state resources it can ill afford to lose. Also, the question of responsibility for these plates in the event the plate holder leaves the employ of the municipality is not addressed and in doubt. Vote 13-2.

Adopted.

### REGULAR CALENDAR (CONT'D)

**HB 496**, establishing a committee to study the method by which low-digit plates are issued by the department of safety and any alternatives to the presently-used method. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a committee to study the method by which low-digit number plates are issued by the Department of Safety (DOS). The committee has seen the legislation many times and while some may believe that the system is unfair, committee members have spent considerable time looking into the issue. The end result is that the system we have in place, while not perfect, serves New Hampshire well. To establish a lottery would create an issue of property rights with endless litigation. Additionally, low-digit license plates (1 to 9999) are general issuance plates and are currently issued, many to older NH residents who have



had them for decades. License plates and the numbers upon them are the property of the state of New Hampshire. This Legislature has delegated the duty of dealing with these plates to the Commissioner of Safety. The majority of the committee believes the Commissioner is doing a good job with this system, and there is no need to create another responsibility for the department, which could require an additional administrator. Vote 14-2.

Rep. Soltani spoke against and yielded to questions.

Rep. Letourneau spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

## YEAS 275 NAYS 62

### YEAS 275

#### BELKNAP

Bartlett, Gordon	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Johnson, William	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Wendelboe, Fran
Wood, Jane			

#### CARROLL

Babson, David Jr	Dickinson, Howard	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	

#### CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Dexter, Judson	Edwards, Dana	Emerson, Susan
Espiefs, Peter	Fairbanks, Chandler	Hunt, John	Manning, Joseph
McGuirk, Paul	Mitchell, McKim	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	

#### COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cobb, John
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Lovett, Sid
Marshall, Gene	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Teschner, Douglass	Ward, Brien	

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Clayton, William	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Emerton, Lawrence Sr	Fletcher, Richard	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Charles	Herman, Keith
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lasky, Bette	Leach, Edward	Leishman, Peter

Lynde, Harold  
Messier, Irene  
Palangas, Eric  
Peterson, Andrew  
Schulze, Joan  
Tahir, Saghir  
White, John

McDonough-Wallace, Alice  
Milligan, Robert  
Panagopoulos, Nicholas  
Reeves, Sandra  
Seibel, Christopher  
Tate, Joan

Melcher, Harold  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Spiess, Paul  
Thulander, O Alan

Mercer, Robert  
Movsesian, Lori  
Pepino, Leo  
Sargent, Maxwell  
Sweeney, Cynthia  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Greco, Vincent  
Jacobson, Alf  
MacKay, James  
Rush, Deanna  
Whalley, Michael

Bouchard, Candace  
Davis, Frank  
Hager, Elizabeth  
Kennedy, Richard  
Moore, Carol  
Seldin, Gloria  
Whittemore, James

Colcord, J D  
Fraser, Leo Jr  
Hess, David  
Langer, Ray  
Potter, Frances  
Swindlehurst, John

Cummings, Raymond  
Fraser, Marilyn  
Hutchinson, John  
Lockwood, Priscilla  
Rodd, Beth  
Wallner, Mary Jane

### ROCKINGHAM

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Gleason, John  
Holland, James Jr  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Norelli, Terie  
Pitts, Jacqueline  
Reardon, Neil  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
Case, Margaret  
Coes, Betsy  
Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Karen  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Robertson, Carl  
Sloan, Stephen  
Welch, David

Bowles, Raimond  
Chalbeck, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Johnson, Robert  
Katsakiores, Phyllis  
Langone, John  
Micklon, Stephanie  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Whittier, John

Bridle, Russell  
Clark, Martha Fuller  
Corbin, Corey  
Dodge, Robert  
Flanagan, Natalie  
Giordano, Ronald  
Henderson, Warren  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Palermo, Diane  
Rausch, James  
Saia, Pamela  
Stritch, C Donald  
Zolla, William

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Heon, Richard  
Knowles, William  
Reid, Christopher  
Taylor, Kathleen

Bickford, David  
DeChane, Marlene  
Hughes, Christopher  
Lent, Donald  
Rollo, Michael  
Tsiros, William

Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Twombly, James

Callaghan, Frank  
Gilmore, Gary  
Kaen, Naida  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Allison, David  
Harris, Joseph  
Odell, Bob

Burling, Peter  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance  
Rodeschin, Beverly

Flint, Gordon Sr  
Leone, Richard

### NAYS 62

### BELKNAP

Boyce, Laurie

Dewhirst, Glenn

Lawton, David

Salatiello, Thomas

### CARROLL

Bradley, Jeb

Kenney, Joseph

Torressen, Gary

### CHESHIRE

Meador, David

Pratt, John

Weed, Charles

**COOS**

None

**GRAFTON**

Alger, John	Barker, Robert	Gilman, G Michael	Giuda, Robert
Mirski, Paul	Solow, Martha	Sova, Charles	

**HILLSBOROUGH**

Balboni, Michael	Bruno, Pierre	Christiansen, Lars	Furman, Christine
Holden, Randolph	LaFlamme, Paul	McHugh, Claire	McRae, Karen
O'Connell, Timothy	Salts, Greg	Shaw, Barbara	Souza, Kathleen
Thompson, Rob	Vaillancourt, Steve	White, Donald	

**MERRIMACK**

Brewster, Richard	Feuerstein, Martin	French, Barbara	Leber, William
Perkins, Randy	Poulin, David	Soltani, Tony	Winter, Steven
Yeaton, Charles			

**ROCKINGHAM**

DiFruscia, Anthony	Gilbert, Karl	Itse, Daniel	Kelley, Jane
McGuire, Robert	Power, Lucille	Quandt, Marshall	Quandt, Matthew
Sapareto, Frank	Splaine, James	Trueman, Raymond	Varrell, Thomas
Weyler, Kenneth			

**STRAFFORD**

Albert, Russell	Harrington, Michael	McCarthy, Gerald	Woodill, Rodney
Woods, Phyllis			

**SULLIVAN**

Cloutier, John	Franklin, Peter	Phinzy, James
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and the report was adopted.

Rep. Elliott declared a conflict of interest and did not participate.

**HB 513**, establishing a committee to study the disposition of revenue from fines for violations of the motor vehicle laws. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a committee to study the disposition of revenue from fines from violations of the motor vehicle laws. While this would seem to be just another study committee, research revealed that all the revenue collected from motor vehicle fines are deposited into the general fund. This is the result of the unified court system developed by this Legislature a number of years ago. The exception to this is a small number of commercial truck violations, such as over-weight, over-width and over-length violations. The revenue from these violations is deposited into the highway fund. The majority of the committee felt that if the sponsors of this bill want to look at the disposition of these revenues they need a different vehicle, as the revenues and expenditures are part of the whole budget process. Furthermore, any representative or group of representatives may study an issue and request information from any department without creating a statutory study committee. Vote 11-4. Adopted.

**SPECIAL ORDERS**

**HB 584-FN-A**, relative to the registration and licensure of OHRV dealers and rental agents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill defines Off Highway Recreational Vehicle (OHRV) dealers and rental agents and creates a new section in RSA 215-A:1 that will be called an OHRV "Rental Agent" for those involved in the business of renting OHRVs to the general public. This bill also creates a new registration and license to accommodate these agents and defines the fees associated with this new section. This bill was introduced after discussion between the state and dealers to address the growing problem of unregistered OHRVs, and the lack of proper law to address the recent explosion of rental dealers. It is felt that this legislation is a public safety issue. All in attendance at the public hearing were in support. Vote 15-0.

**Amendment (0225h)**

Amend RSA 215-A:26, II as inserted by section 5 of the bill by replacing it with the following:

II. Any person ~~[may]~~ *shall* make application to the executive director to ~~[engage in the business of renting OHRVs]~~ *accept money or other valuable consideration for the temporary use of OHRVs provided to members of the general public.* The executive director shall assign a distinguishing number to the applicant and issue ~~[to him,]~~ appropriate ~~[registration plates]~~ *decals* which shall *not* be transferable between OHRVs owned by the ~~[registrant]~~ *rental agent* and *those* used ~~[by him]~~ for rental. When renting OHRVs, any person shall be required to use rental plates, if said machine is to be used off the rentor's land.

*Amend RSA 215-A:26, IV as inserted by section 5 of the bill by replacing it with the following:*

IV. Each dealer or rental agent shall be licensed by the fish and game department under this section and shall pay \$10 for each license. All license fees collected shall be nonlapsing and continually appropriated to the fish and game department to offset the administrative costs of this section.

Adopted.

Report adopted and referred to Executive Departments and Administration.

**HB 151**, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. **INEXPEDIENT TO LEGISLATE**

Rep. John S. Langone for Ways and Means: The committee understands the concern of veterans relative to military pension payments and military survivors' benefit payments being exempt from gross income if an income tax is enacted. The committee feels that this bill is unconstitutional and discriminating to non-military pensioners. This bill is premature because no income tax bill has passed at this juncture. Vote 13-0.

Rep. Rosen spoke against.

Rep. Langone spoke in favor.

Adopted.

**HB 185-FN-L**, repealing the prospective repeals of the education property tax and related laws. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Guida for the Majority of Ways and Means: The majority of the committee recognizes that virtually each and every long-term solution to the current education funding crisis includes the continuation of the state-wide property tax system. As indicated in the report issued by the New Hampshire Commission on Education Funding (The Governor's Blue Ribbon Commission): "... placing such a full burden on any single tax option might exert a significantly negative impact on New Hampshire's economy and taxpayers." (Page 51 of the report). The majority agrees with the sponsor of this legislation that the statewide property tax needs to be maintained. While some will argue that the tax is unconstitutional in its entirety, it should be noted that the recent opinion of the Rockingham Superior Court found constitutional infirmity not with the state-wide tax itself, but rather, with the methodologies and structures of valuation and equalization procedures. These procedures have recently been given significant review and substantial changes to the valuation and equalization procedures are being introduced under separate legislation. Removal of the sunset provision that this legislation provides is merely one step towards completing the process of adopting a permanent funding solution. Vote 9-5.

Rep. Susan W. Almy for the Minority of Ways and Means: This bill commits us to keep the statewide property tax at \$6.60, which will increase the number of donor towns and judicial complications related to this. The repeal of the repeal can be done in any of the bills coming forward to lower the statewide property tax and provide alternative funding, or even in the bills coming forward to fix the existing tax.

**LAID ON THE TABLE**

Rep. Whalley moved that **HB 185-FN-L**, repealing the prospective repeals of the education property tax and related laws, be laid upon the table.

Adopted.

**HB 651-FN-A-L**, authorizing the establishment of state-owned casino and convention center facilities and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**



Rep. Karen K. McRae for Ways and Means: This bill at this time is pre-emptive. The decision to support expanded gambling in the state has not been made. If and when that decision is made, then the concept of a state owned and operated casino, or casinos, should be explored further. Vote 15-1. Rep. Vaillancourt spoke against.  
Reps. Lovett and McRae spoke in favor.  
Adopted.

### REGULAR CALENDAR (CONT'D)

**HB 563**, requiring drivers to carry automobile insurance and permitting drivers to choose the amount of uninsured motorist insurance that they carry. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The committee has long recognized that the existing system of voluntary automobile coverage, mandatory uninsured/underinsured motorist coverage, and financial responsibility laws has provided highly competitive and affordable rates in New Hampshire. The number of uninsured motorists in New Hampshire is among the lowest in the country. The mandatory automobile insurance coverage required by this bill would impose substantial administrative and financial costs to the state and its citizens, and evidence has shown it would have little or no chance of lowering the percentage of uninsured motorists driving in New Hampshire. The second part of the bill related to the amount of uninsured motorist insurance and, despite the sponsor's intent, would not have a great effect in reducing premiums, but would create more confusion for consumers and potentially expose them to unnecessary lack of appropriate insurance coverage. Vote 13-0.

Rep. Arnold requested that the question be divided. The Speaker ruled that the question was divisible.

Rep. Arnold requested that Sect 2 of the bill be divided.

The question being the adoption of the committee report on Section 2.

Rep. Arnold spoke against.

Rep. Hunt spoke in favor.

Adopted.

The question now being the adoption of the committee report on the remainder of the bill.

Rep. Leo Fraser spoke in favor.

Adopted.

**HB 355**, relative to the contents of the department of education report on the condition of education statewide. **INEXPEDIENT TO LEGISLATE**

Rep. Brien L. Ward for Education: The committee in a bipartisan 16-2 vote believe the test scores of our school districts will be ranked by the media, even if the Department of Education is prohibited from doing so if this bill is enacted. School test scores should not be the only indicia considered in evaluating the quality of schools. However, the results should be disseminated to the communities our school districts serve. Vote 16-2.

Rep. Arthur Pelletier spoke against.

Rep. Gorman spoke against and yielded to questions.

Reps. Ward and Henderson spoke in favor.

Rep. Konys requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

### YEAS 296 NAYS 34

#### YEAS 296

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Millham, Alida  
Russell, David

Boyce, Laurie  
Holbrook, Robert  
Nedeau, Stephen  
Wendelboe, Fran

Czech, Stanley  
Johnson, William  
Pilliod, James  
Wood, Jane

Dewhirst, Glenn  
Lawton, David  
Rice, Thomas Jr

#### CARROLL

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Torressen, Gary

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Quimby, Lee

**CHESHIRE**

Allen, Peter  
DePecol, Benjamin  
Fairbanks, Chandler  
Richardson, Barbara  
Zerba, Roger

Avery, Stephen  
Dexter, Judson  
Hunt, John  
Roberts, William

Batchelder, Robert  
Edwards, Dana  
Manning, Joseph  
Royce, H Charles

Burnham, Daniel  
Emerson, Susan  
Mitchell, McKim  
Smith, Edwin

**COOS**

Bradley, Paula  
Landers, Dana  
Tholl, John Jr

Davis, Perley  
Mears, Edgar  
Woodward, David

Gallus, John  
Rozek, Michael

Horton, Lynn  
Stohl, Eric

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Gilman, G Michael  
Marshall, Gene  
Sova, Charles

Alger, John  
Cobb, John  
Giuda, Robert  
Mirski, Paul  
Teschner, Douglass

Almy, Susan  
Dudley, Terri  
Ham, Bonnie  
Scanlan, David  
Ward, Brien

Barker, Robert  
Eaton, Stephanie  
Lovett, Sid  
Solow, Martha

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Coughlin, Pamela  
Drisko, Richard  
Emerton, Lawrence Sr  
Foster, Linda  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
Johnson, Lionel  
L'Heureux, Robert  
Leach, Edward  
McHugh, Claire  
Messier, Irene  
Pappas, Marc  
Salts, Greg  
Sweeney, Cynthia  
Thulander, O Alan

Alukonis, David  
Balcom, John  
Bouchard, David  
Buckley, Raymond  
Christiansen, Lars  
Craig, James  
Dyer, Merton  
Fletcher, Richard  
Furman, Christine  
Goley, Jeffrey  
Guinta, Frank  
Hopper, Gary  
Kacavas, John  
LaFlamme, Paul  
Lefebvre, Roland  
McRae, Karen  
Milligan, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Tahir, Saghir  
Vaillancourt, Steve

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dokmo, Cynthia  
Eaton, Richard  
Flora, Kathleen  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Claudette  
Konys, Christine  
LaRose, Richard  
Leishman, Peter  
Melcher, Harold  
Moran, Edward  
Reeves, Sandra  
Seibel, Christopher  
Tate, Joan  
Wheeler, Robert

Artz, Lawrence  
Bellavance, Paul  
Brundige, Robert  
Carlson, Donald  
Cote, Peter  
Drabinowicz, A Theresa  
Elliott, Larry  
Ford, Nancy  
Ginsburg, Ruth  
Graham, John  
Herman, Keith  
Jean, Loren  
Kirk, Neal  
Lasky, Bette  
Lynde, Harold  
Mercer, Robert  
O'Connell, Timothy  
Rowe, Robert  
Spiess, Paul  
Thompson, Rob  
White, Donald

**MERRIMACK**

Anderson, Eric  
Cummings, Raymond  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Rodd, Beth  
Swindlehurst, John  
Winter, Steven

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Langer, Ray  
Moore, Carol  
Rush, Deanna  
Wallner, Mary Jane  
Yeaton, Charles

Brewster, Richard  
Davis, Frank  
Hutchinson, John  
Leber, William  
Potter, Frances  
Seldin, Gloria  
Whalley, Michael

Colcord, J D  
Feuerstein, Martin  
Jacobson, Alf  
Lockwood, Priscilla  
Poulin, David  
Soltani, Tony  
Whittemore, James

**ROCKINGHAM**

Belanger, Ronald  
Case, Margaret  
Coes, Betsy

Blanchard, MaryAnn  
Chalbeck, Kevin  
Cooney, Richard

Bowles, Raimond  
Clark, Martha Fuller  
Corbin, Corey

Camm, Kevin  
Clark, Vivian  
Cox, Russell

Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Kane, Cecelia  
Kelley, William  
Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Priestley, Anne  
Rausch, James  
Sapareto, Frank  
Stone, Joseph  
Welch, David

Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Palermo, Diane  
Putnam, Ed II  
Reardon, Neil  
Shultis, Elizabeth  
Stritch, C Donald  
Weyler, Kenneth

DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Katsakiores, Phyllis  
Langley, Jane  
McGuire, Robert  
Norelli, Terie  
Pitts, Jacqueline  
Quandt, Marshall  
Ruffner, Walter  
Sloan, Stephen  
Varrell, Thomas  
Whittier, John

Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, Jane  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Splaine, James  
Weatherspoon, Jacquelyne  
Zolla, William

### STRAFFORD

Albert, Russell  
Callaghan, Frank  
Gilmore, Gary  
Lent, Donald  
Smith, Marjorie  
Twombly, James

Berube, Roger  
Cossette, Larry  
Harrington, Michael  
McCarthy, Gerald  
Snyder, Clair  
Wall, Janet

Bickford, David  
DeChane, Marlene  
Hughes, Christopher  
Reid, Christopher  
Taylor, Kathleen  
Woods, Phyllis

Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Rollo, Michael  
Tsiros, William

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Leone, Richard

Burling, Peter  
Franklin, Peter  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance  
Rodeschin, Beverly

### NAYS 34

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Weed, Charles

### COOS

None

### GRAFTON

Cooney, Mary

Sokol, Hilda

### HILLSBOROUGH

Andosca, Mary  
Cote, David  
Keye, Harvey  
Panagopoulos, Nicholas  
White, John

Baroody, Benjamin  
Dwyer, Paul  
McDonough-Wallace, Alice  
Schulze, Joan

Clayton, William  
Gorman, Mary  
Movsesian, Lori  
Shaw, Barbara

Clemons, Jane  
Haley, Robert  
Palangas, Eric  
Souza, Kathleen

### MERRIMACK

French, Barbara

Greco, Vincent

Perkins, Randy

### ROCKINGHAM

Robertson, Carl

Trueman, Raymond

**STRAFFORD**

Heon, Richard  
Proulx, Raymond

Kaen, Naida  
Spang, Judith

Pelletier, Arthur  
Woodill, Rodney

Pelletier, Marsha

**SULLIVAN**

Harris, Joseph

Phinizy, James

and the report was adopted.

**HB 692**, relative to the use of psychological testing and psychiatric drugs in schools. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: The testimony on this bill mostly concerned the use of the prescription drug Ritalin for school children. This subject is best considered by the existing subcommittee on a similar bill before the Health and Human Services Committee. The remainder of the bill provided an inappropriate balance between parental rights and school administration relating to academic policy. Vote 17-0.

Adopted.

**HB 428**, relative to claims against the state by certain victims of Judge John C. Fairbanks. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: Although the members of the Finance Committee are aware of the apparent loss of assets by law practice clients of a part-time judge, the structure of this bill opens the threshold for many kinds of suits that might be brought against the State of New Hampshire. It is impossible to forecast the financial impact on the State of New Hampshire and the Finance Committee cannot pass a bill opening up such an unknown liability. Therefore it recommends this bill be reported so decided it is expedient to move this bill Inexpedient to Legislate. Vote 19-0.

Rep. Mirski spoke against and yielded to questions.

Rep. Phinizy spoke against.

Reps. Holbrook and Wheeler spoke in favor.

On a division vote, 218 members having voted in the affirmative and 106 in the negative, the report was adopted.

**HB 685-FN**, allowing pregnant women to use parking spaces reserved for persons with disabilities. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The doctors today can give a pregnant woman, if she needs it, a temporary placard. Walking is good physical exercise and should be encouraged for everyone. With today's superstores and malls that require walking inside, a few more feet in the parking lot will not make a difference. The committee saw this bill as another reason handicapped parking will be abused more so than it is now. Vote 16-0.

Rep. Kenney spoke against.

Adopted.

**HB 338-FN-A**, increasing the rate of the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Norman L. Major for Ways and Means: The committee is considering changes to the rooms and meals tax in another house bill (HB 558-FN-LOCAL) that recommend expanding the rooms and meals tax as well as increasing and adding certain other state taxes. This broader bill is being retained as a vehicle for generating additional revenues. Vote 13-0.

Adopted.

**CONSIDERATION OF RESOLUTION****HOUSE RESOLUTION NO. 10**

**HR 10**, affirming revenue estimates for fiscal years 2001, 2002, and 2003.

Whereas , the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2001, 2002, and 2003 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2001, 2002, and 2003.

Committee estimates are based on current rates.



	(A) FY 2001	(B) FY 2001	(C) FY 2002	(D) FY 2003
<b>GEN'L &amp; ED TRUST FUNDS:</b> (Dollars in Millions)	Official Estimate	Committee Estimate	Committee Estimate	Committee Estimate
Business Profits Tax	\$190.800	\$187.000	\$246.000	\$254.000
Business Enterprise Tax	113.900	167.000	106.000	109.000
<b>Subtotal</b>	<b>\$304.700</b>	<b>\$354.000</b>	<b>\$352.000</b>	<b>\$363.000</b>
Meals & Rooms Tax	\$167.300	167.000	176.000	187.000
Liquor Sales	\$82.000	89.000	93.000	96.500
Interest & Dividends Tax	70.000	67.000	69.000	71.100
Insurance Tax	64.000	60.000	61.000	62.200
Tobacco Tax	102.600	88.000	85.400	83.700
Other	42.650	43.800	46.000	46.000
Communications Tax	53.000	50.000	53.000	56.200
Estate & Legacy Tax	56.000	55.000	58.000	60.000
Real Estate Transfer Tax	91.800	93.800	96.600	99.000
Court Fines & Fees	22.000	23.000	23.700	24.400
Utility Tax	10.500	12.000	7.600	7.700
Securities Revenue	22.500	26.500	27.500	28.500
	(A) FY 2001	(B) FY 2001	(C) FY 2002	(D) FY 2003
Board & Care Revenue	10.700	12.000	10.400	10.800
Beer Tax	11.800	12.000	12.112	12.212
Horse Racing	2.500	2.550	2.550	2.550
Dog Racing	1.000	1.200	1.200	1.200
Tobacco Settlement Funds	46.107	40.810	47.000	47.400
<b>SUBTOTAL</b>	<b>\$1,161.157</b>	<b>\$1,197.660</b>	<b>\$1,222.062</b>	<b>\$1,259.462</b>
Other Medicaid Enhancement	10.000	13.000	13.000	13.000
Net Medicaid Enhance. Revenue	65.300	78.400	90.300	91.300
Utility Property Tax	23.900	17.200	18.000	22.500
State Property Tax	24.100	24.100	29.100	29.100
Transfers from Sweepstakes	56.000	59.000	64.000	66.000
<b>TOTAL</b>	<b>\$1,340.457</b>	<b>\$1,389.360</b>	<b>\$1,436.462</b>	<b>\$1,481.362</b>
<b>HIGHWAY FUNDS:</b> (Dollars in Millions)	Official Estimate	Committee Estimate	Committee Estimate	Committee Estimate
Road Toll - Gross Total	\$147.000	\$143.000	\$147.000	\$150.000
Less Betterment	(18.700)	(24.310)	(24.990)	(25.500)
Road Toll - Net Total	\$128.300	\$118.690	\$122.010	\$124.500
Motor Vehicle Fees	69.000	73.000	75.190	77.450
Miscellaneous	10.400	9.100	8.400	8.900
<b>TOTAL HIGHWAY FUNDS</b>	<b>\$207.700</b>	<b>\$200.790</b>	<b>\$205.600</b>	<b>\$210.850</b>
<b>FISH &amp; GAME FUNDS:</b> (Dollars in Millions)				
Fish & Game Licenses	\$6.900	\$6.585	\$6.701	\$6.603
Miscellaneous	1.400	1.515	1.564	1.591
<b>TOTAL FISH &amp; GAME FUNDS</b>	<b>\$8.300</b>	<b>\$8.100</b>	<b>\$8.265</b>	<b>\$8.194</b>

Rep. Alukonis moved Ought to Pass, spoke to the motion and yielded to questions.

### LAI D ON THE TABLE

Rep. Alukonis moved that *HR 10*, affirming revenue estimates for fiscal years 2001, 2002 and 2003 be laid on the table.

Adopted.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 5, 2001 at 10:00 a.m.

Adopted.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it passed, **HB 390**, relative to the Live Birth Infants Protection Act, and spoke against. Rep. Wendelboe spoke in favor.

On a division vote, 114 members having voted in the affirmative and 197 in the negative, the motion to reconsider failed.

### MOTION TO PRINT REMARKS

Rep. Torressen moved that the debate on **HB 454**, relative to same-sex civil unions contracted outside of the state of New Hampshire, be printed in the Permanent Journal.

Motion failed.

### UNANIMOUS CONSENT

Rep. Stone addressed the House.

Without objection, the Speaker ordered the remarks of Rep. Stone be printed in the Permanent Journal.

### REMARKS

Rep. Stone: Thank you, Mr. Speaker. I know it has been a long day, but I ask you to indulge for two minutes with me. This Sunday, April 1<sup>st</sup>, is April Fool's Day and all of us will be trying to pull all kinds of jokes and so forth on our friends and relatives, etc. But April 1<sup>st</sup> to many of us is the anniversary of one of the most savage battles that took place during World War II. I have been a member of this House for nine years and each year I have listened to the Honorable gentleman from New London eloquently explain the Battle of Iwo Jima. So I stand here today with you saying that on Sunday, April 1<sup>st</sup>, 56 years ago on April 1<sup>st</sup>, I, as a member of George Company, 2<sup>nd</sup> Battalion, 1<sup>st</sup> Marines, loaded with full combat gear, climbed over the rail of an LST, went down a landing, then into a Higgins boat and proceeded to be part of the invasion of Okinawa. As Rep. Jacobson said, "Iwo Jima was a bloody battle." Historians agree to this.

But, they also say that the most savage land, air and sea battle that took place during World War II was on the island of Okinawa. This 9-mile long, 4-mile wide island was taken inch by inch, foot by foot, cave by cave, hill by hill, captured one day lost the next, back again until three months later, on September 2<sup>nd</sup>, the island was declared secured.

Twenty-seven thousand American soldiers, marines, sailors, airmen were killed or missed in action. Ninety-one thousand Japanese were killed. One hundred fifty thousand Okinawans gave their lives on their homeland.

This Sunday, as I have done for 56 years, I will offer a silent prayer to those who gave their lives and also to thank the good Lord that I was one of the survivors. I ask you, many of you were not born then, but this Sunday say a silent prayer. Numbers of this generation are diminishing very fast. They are dying rapidly. In this body, I believe there are 3 or 4 members who participated there. I ask you to say a silent prayer, not only for those throughout the United States, and the Japanese and the Okinawans, but also the members of this body. So please join me on April 1<sup>st</sup>, say a silent prayer thanking them that you and I are able to be here today to discuss democracy as we see it; and to my fellow marines, "Semper Fi."

### LATE SESSION

#### Third reading and final passage

**HB 210-FN**, relative to the penalties for persons convicted of subsequent DWI offenses.

**HB 271**, relative to criminal liability for the conduct of another.

**HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

**HB 594**, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors.

**HB 726-L**, relative to change of school assignment and transfers of public school pupils.

**HB 453**, establishing a 4-year term for the commissioner of the department of corrections.

**HB 585**, relative to the membership and duties of the council on resources and development.

**HB 123-FN**, relative to the retirement system classification for the director of the division of safety services, department of safety.

**HB 208-FN**, changing the license requirement for operators collecting the meals and rooms tax.

**HB 396**, relative to the practice of physicians and surgeons.

**HB 553-FN-L**, requiring background checks for nursing home employees.

**HB 635**, relative to family mutual support services.

**HB 499**, making state-appointed advisory committees subject to the right-to-know law.

**HB 164**, relative to exceptions to the confidentiality of certain department of employment security records.

**HB 347-FN**, relative to terminal pay for certain state officials or employees.

**HB 448**, relative to procedures for crews and provision of counseling services following a railway accident.

**HB 570-FN**, relative to the unemployment compensation law.

**HB 637-FN**, requiring annual training for members of the workers' compensation appeals board.

**HB 311-FN-A**, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities.

**HCR 13**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

**HB 369**, relative to driving in highway construction and maintenance areas.

**HB 459-FN**, relative to inspection requirements for antique vehicles.

**HB 648-FN**, authorizing licensing of homeless youth programs.

**HB 141-L**, relative to regulation of junk yards.

**HB 426**, relative to the voluntary scrapie flock certification program.

**HB 362-FN**, relative to the practice of veterinary medicine.

**HB 408-FN**, relative to the regulation of nursing by the board of nursing.

**HB 390**, relative to the Live-Birth Infants Protection Act.

**HB 101**, requiring registered lobbyists to sign a statement concerning false statements or misrepresentation of material facts.

**HCR 10**, supporting the electoral college.

## RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:50 p.m.

## RECESS

(Rep. Scanlan in the Chair)

## SENATE MESSAGES

## CONCURRENCE

**HB 106**, relative to honey products.

**HB 117**, establishing a committee to study the adoption of the uniform common interest ownership act.

**HB 144**, establishing a committee to study the CHINS process.

**HB 163**, establishing a committee to study opening the state house to the public on weekends.

**HB 168**, relative to transfers of ownership of cemetery plots or burial spaces.

**HB 233**, amending the duties of the oversight committee for the severely developmentally disabled.

**HJR 1**, urging Congress to expand eligibility for membership in the American Legion.

**HCR 1**, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay.

**HCR 2**, urging the federal government to establish a new zip code for the town of Kensington.

### NONCONCURRENCE

**HB 122-FN-L**, relative to euthanizing repeatedly vicious dogs.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 11 through 15, 17 through 21, 23, 25, 26, 27, 28, 33, 37, 40, 41, 42, 44, 46, 47, 49, 50, 54, 55, 56, 57, 58, 59, 61, 63, 66, 68, 72, 73, 74, 75, 78, 84, 85, 89, 92, 93, 98, 99, 100, 103, 107, 108, 115, 120, 121, 123, 130, 136, 141, 144, 156, 157, 169, and Senate Concurrent Resolution 2 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 11**, extending the reporting date of the committee to study and identify or establish the duties of the fish and game commission. (Fish and Game)

**SB 12**, relative to applications for the cooperative fencing program and the depredation permit program in the fish and game department. (Fish and Game)

**SB 13**, relative to the duties of a school nurse and relative to school food and nutrition programs. (Education)

**SB 14**, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries. (Education)

**SB 15**, extending the reporting date for the commission on the status of community-technical education. (Education)

**SB 17-FN**, relative to accidental disability retirement benefits upon the death of a retired group II member. (Executive Departments and Administration)

**SB 18**, relative to termination of small trusts. (Judiciary)

**SB 19**, establishing a committee to study prevention of voter fraud. (Election Law)

**SB 20**, relative to possessory actions instituted on the basis of nonpayment of rent. (Judiciary)

**SB 21**, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing. (Commerce)

**SB 23-L**, relative to the amount of interest on late paid property taxes which may be waived by the tax collector. (Municipal and County Government)

**SB 25**, relative to preliminary breath tests. (Criminal Justice and Public Safety)

**SB 26**, relative to probate court procedures regarding adoptions. (Children and Family Law)

**SB 27**, allowing the state to apply for review of a state prison sentence by the superior court's review division. (Criminal Justice and Public Safety)

**SB 28**, permitting disclosure of final decisions of the commissioner of revenue administration. (Ways and Means)

**SB 33**, relative to the definition of "campsite." (Resources, Recreation and Development)

**SB 37**, extending the reporting date for the committee studying prescription drug access. (Health, Human Services and Elderly Affairs)

**SB 40**, changing the method by which the insurance department assesses insurers to fund its administration fund. (Commerce)

**SB 41**, relative to technical corrections for life, accident and health insurance. (Commerce)

**SB 42**, relative to charges for access to medical records. (Health, Human Services and Elderly Affairs)

**SB 44**, relative to false academic documentation. (Criminal Justice and Public Safety)

**SB 46**, relative to payments of scheduled awards under the workers' compensation law. (Labor, Industrial and Rehabilitative Services)

**SB 47**, relative to ownership of certified public accounting firms. (Commerce)



- SB 49**, establishing a committee to study the creation of a landlord-tenant mediation project. (Judiciary)
- SB 50**, relative to the abatement of taxes in unincorporated towns or unorganized places. (Municipal and County Government)
- SB 54**, relative to the transfer of funds in the community-technical college system. (Finance)
- SB 55**, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles. (Children and Family Law)
- SB 56**, relative to health care providers discontinuing service in New Hampshire. (Commerce)
- SB 57**, relative to the economic development matching grants program. (Commerce)
- SB 58**, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor. (Ways and Means)
- SB 59**, relative to the inclusion of a signature declaration and verification statement on teacher certification applications. (Education)
- SB 61**, establishing a procedure for summary administration of estates. (Judiciary)
- SB 63**, relative to administration of estates and filing of wills by executors. (Judiciary)
- SB 66-FN-A**, relative to appropriations to the port authority for dredging projects. (Public Works and Highways)
- SB 68**, relative to school district placements of children living in foster homes. (Education)
- SB 72-FN**, relative to payment of medical benefits costs for group II members of the retirement system. (Executive Departments and Administration)
- SB 73-FN**, relative to benefits awarded a surviving spouse of a police officer or firefighter killed in the line of duty. (Executive Departments and Administration)
- SB 74**, relative to providing services under the Child Protection Act. (Children and Family Law)
- SB 75**, relative to physicians who make a report when a person is unfit to drive a motor vehicle. (Judiciary)
- SB 78-FN-L**, relative to the distribution of special education records to certain educationally disabled pupils. (Education)
- SB 84**, relative to funeral processions. (Transportation)
- SB 85**, relative to collateralization of municipal trust funds. (Municipal and County Government)
- SB 89**, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application. (Resources, Recreation and Development)
- SB 92**, relative to the distribution of special education funds. (Education)
- SB 93**, establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act. (Science, Technology and Energy)
- SB 98**, relative to notice requirements prior to the sale of manufactured housing parks. (Commerce)
- SB 99**, relative to the exemption from the community benefits law for charitable trusts. (Commerce)
- SB 100**, establishing a committee to study the feasibility of creating a mental health court division. (Judiciary)
- SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7. (Commerce)
- SB 107-FN**, relative to violations of motor vehicle laws by foreign diplomatic and consular officers. (Transportation)
- SB 108**, relative to the definition of "funeral home." (Commerce)
- SB 115-FN**, granting a cost of living adjustment to certain retired group II firefighters. (Executive Departments and Administration)
- SB 120**, relative to tip pooling for certain hourly employees. (Labor, Industrial and Rehabilitative Services)
- SB 121**, relative to the advisory committee on international trade. (Commerce)
- SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families. (Children and Family Law)
- SB 130-FN**, extending the period in which an expired electrician's license may be renewed. (Executive Departments and Administration)
- SB 136**, establishing a committee to study the use of multi-disciplinary team investigations of child abuse and neglect allegations. (Children and Family Law)

**SB 141**, relative to proof of qualifications for voter registration. (Election Law)

**SB 144-L**, increasing bail commissioners' fees. (Judiciary)

**SB 156**, relative to the suspension of drivers licenses of persons under 20 years of age. (Transportation)

**SB 157**, relative to state government information dissemination and access. (Executive Departments and Administration)

**SB 169-FN**, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut. (Municipal and County Government)

**SCR 2**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (State-Federal Relations and Veterans Affairs)

## RECESS

### (Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 11

Thursday, April 5, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Almighty God, we commend to Your gracious care and keeping all the men and women of our armed forces at home and abroad, especially remembering today those being held in China. Defend them day by day with Your heavenly grace; strengthen them in their trials and temptations. Give them courage to face the perils which beset them and grant them a sense of Your abiding presence wherever they may be. Amen.

Rep. Seldin led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Bouldin, Brennan, Clemons, Paul Ferland, Fields, Lyman, Mikowski, Patria, Schulze and Carol Ann Williams, the day, illness.

Reps. Brown, Martha Fuller Clark, Crosby, DePecol, Greco, Lessard, Mears, Torressen and Wallner, the day, important business

Rep. Musler, the day, illness in the family.

### INTRODUCTION OF GUESTS

Helen Holbrook, wife of Rep. Holbrook. Diane and Marrisah Gallien, daughter and granddaughter of Rep. Letourneau. Erika Johnson, wife of Rep. William Johnson. Former Representative Gladys Cox and Linda Orosky, mother and guest of Rep. Gargasz

Cheryl Fish, guest of Rep. Phinizy. Lynda Hunt, wife of Rep. Hunt. Malissa Young, Rebecca Mann and the 4<sup>th</sup> grade class from Bow Elementary School, guests of Reps. Anderson and Whalley.

### SPECIAL GUESTS

Rep. Avery introduced The Right Honorable Lord and Lady Provost of Glasgow, Scotland, Alex and Maureen Mosson; Clerk of the Lieutenancy, Ian Easton; Her Majesty's Deputy Consul General for New England, Hon. Geoff Plant; Senior Council Officer, Gary Campbell; Principal Advisor International Trade, Harry Baxter; Glasgow City Council US Representative, Bob Creighton; Pipe Major Gordon Webster; National Junior Scottish Fiddle Champion, Brendan Carey Block and the New Hampshire Highland Dancers who performed for the House in honor of New Hampshire Tartan Day.

### MOTION TO PRINT REMARKS

Rep. Rosen moved that the remarks made by Rep. Avery and Lord Provost Alec Mosson be printed in the Journal.

Adopted.

### REMARKS

Rep. Avery: Thank you, Mr. Speaker. Today, my fellow Representatives, as we have done for the past four years, we are celebrating New Hampshire Tartan Day. It is the day we recognize those achievements that Scots and Scottish Americans have made on behalf of the State of New Hampshire and the United States. The day, as I have mentioned before, that marks the anniversary of the Declaration of Arbroath, the document that was signed on April 6 in the year 1320, declaring Scottish independence, and a document many credit as being a model for our own United States Declaration of Independence. It is also the second anniversary of the new Scottish Parliament that was dormant for over 250 years.

Mr. Speaker, the most important phrase of that historical document is especially important today, "It is in truth, not for glory nor riches nor honors that we are fighting, but for freedom. For that alone which no honest man gives up but with life itself." Today we take special note of the men

and women of the American armed forces, especially the 24 men and women who are being held in China, and other forces of all nationalities who are today fighting for these same principles of freedom for all people. They have our prayers and best wishes and our fervent hopes that someday all peoples on this earth shall be free.

Mr. Speaker, on behalf of the St. Andrew's Society of New Hampshire and the over 50,000 people of New Hampshire who claim some Scottish ancestry, it is my pleasure to introduce Pipe Major Gordon Webster, formerly Pipe Major of the Scots Guards and piper to Her Majesty Queen Elizabeth; Highland Dancers and National Junior Scottish Fiddler, Brendan Carey Block who are students and teachers from the New Hampshire School of Scottish Arts.

Lord Provost Mosson: Thank you very much. I'm absolutely delighted and overwhelmed to be here with you today to celebrate Tartan Day. I bring you the best wishes from the people of Glasgow to the people of New Hampshire. Thank you for having us here on this wonderful day. God bless.

Pipe Major Gordon Webster played "Flowers of the Forest" and "Amazing Grace" in remembrance of Reps. Frank M. Schanda and Bernard J. Lambert.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 529**, relative to advertisements for sweepstakes and gambling, removed by Rep. Splaine.

**HB 642-FN-L**, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize former county correctional facilities as state facilities, removed by Rep. Burling.

**HB 411**, requiring that New Hampshire's presidential electors be bound to vote for the candidates of the party which nominated the electors, removed by Rep. Arndt.

**HB 339**, prohibiting the taking of deer by baiting, removed by Rep. Mock.

**CACR 10**, relating to term of office for judges and judicial retirement age. Providing that all judges appointed on or after January 1, 2003 shall serve a 5-year term which may be renewed by vote of the governor and council, and that the mandatory judicial retirement age shall be repealed, removed by Rep. Kennedy.

**HB 429**, relative to dispute resolution within the context of public employee labor relations, removed by Rep. Pepino.

Consent Calendar adopted.

**HB 155**, relative to the initial appearance in CHINS cases. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I Arnold, Jr. for Children and Family Law: The committee believes this portion of the CHINS (Children In Need of Services) procedure should be reviewed during the broader study of CHINS under House Bill 144. Vote 14-0.

**HB 269**, requiring parental consent for tongue piercing. **INEXPEDIENT TO LEGISLATE**

Rep. Carolyn M. Gargas for Children and Family Law: This bill requiring parental consent for tongue piercing is unnecessary because the Health, Human Services and Elderly Affairs Committee is recommending a study committee on tongue piercing, body piercing and tattooing that will deal with this issue. Vote 16-0.

**HB 446**, relative to spousal and child support enforcement. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill makes technical corrections to three child support statutes. #1. The Department can begin to make child support payable through the Department when a restraining order exists in a domestic action. #2. The application for services from the Department to collect on behalf of the obligee made reference to the wrong statute in 1996. This corrects that. #3. The Divorce in Another Jurisdiction statute "adopts" the Uniform Interstate Family Support Act (UIFSA), effective in New Hampshire since 1/1/98, which governs the Court's jurisdiction to establish, enforce and modify out-of-state support orders. Vote 14-0.

### Amendment (0405h)

Amend the bill by replacing section 3 with the following:

3 Divorce in Another Jurisdiction. Amend RSA 458:19-a to read as follows:



458:19-a Divorce in Another Jurisdiction. The superior court shall have a jurisdiction to make such orders or temporary orders of alimony to a divorced wife or divorced husband, or of support to the children of divorced parents as justice shall require in cases where the decree of divorce was not granted in this jurisdiction, even though said divorce decree makes provision for alimony and support, ~~[provided the wife and the children or the husband and children are domiciled in this jurisdiction and the husband or wife, as the case may be, is served with process in this jurisdiction]~~ *subject to the provisions of RSA 546-B.*

**HB 501**, relative to licensure of foster homes and the duties of the department of health and human services advisory board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill resolves two conflicts in our child protective services laws. It deletes a reference in RSA 169-B:19 to a foster home license that does not exist. It also eliminates the potential conflict of interest when an individual who sits on a board setting compensation rates for foster care would also sit on the rate appeals board. Vote 16-0.

#### Amendment (0275h)

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

#### AMENDED ANALYSIS

This bill removes language suggesting that foster homes are licensed specifically for either delinquent children or for children in need of services.

The bill eliminates the requirement that the department of health and human services consult with its advisory board in setting rates for services, placements, and programs paid for by the department.

This bill is a request of the department of health and human services.

**HB 620**, relative to arrangements between birth parents and adoptive parents. **OUGHT TO PASS**

Rep. Christine M. Furman for Children and Family Law: This bill encourages but does not mandate adoptive and birth parents to exchange information. Vote 16-0.

**HB 147-FN-A**, requiring annual registration by condominium unit owners' associations. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: The subcommittee met four times to receive information from the industry, the attorney general's office and the secretary of state's office, to determine the need for registration of condominium associations. The subcommittee heard testimony that the attorney general's office has no further contact with a condominium development after its completion. Although the secretary of state's office has experience with other registrations and renewals, they had many issues with how to implement this registration. The industry did not respond to those concerns and the subcommittee did not hear from any public members that the registration was needed. Vote 14-0.

**HB 257**, relative to disclosure of injuries, medical information, and insurance coverage in claims for bodily injury. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: Since 1969 we have had in our law language that enables a judge, if it would help to settle a matter, to require an insurance company to disclose the amount of insurance that a driver may have had when he or she was involved in a motor vehicle accident. HB 257 if adopted would make it easier for the claimant or his attorney to obtain such coverage information. The bill was patterned after the Massachusetts law and the committee felt it has no place in New Hampshire. A major issue being debated across the United States is privacy. HB 257 flies in the face of anything we in New Hampshire are doing to accomplish a balance between the protection of the privacy of an individual versus a need to know. In HB 257, an injured party, could upon demand, require the listing of the names of the medical providers, as well as require the insurer's company to disclose the limits that the policyholder had at the time of the accident. Vote 14-0.

**HB 497**, prohibiting banks from charging customers fees for accessing funds from their own accounts. **INEXPEDIENT TO LEGISLATE**

Rep. Jane S. Langley for Commerce: Broadly interpreted, the bill would prohibit banks from assessing charges or fees for checking account services, ATM services, Travelers' checks, and other banking services provided to customers. According to the sponsor, the bill was intended to address fees charged for debit transactions versus credit transactions. The committee has dealt with bank

fee bills in the past and has supported legislation requiring full disclosure of service charges and fees especially in connection with ATM credit and debit cards. The committee agreed that consumers have several choices in accessing their funds, and believe that the user of a service should incur the cost rather than having the cost spread amongst all other customers. Vote 14-0.

**HB 528**, relative to rental vehicle insurance disclosure. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph D. Kenney for Commerce: This bill would require a notice at motor vehicle rental counters that consumers may have auto coverage for the rental vehicle under their own individual auto policy. Although the committee believes this is valuable information for the consumer, standing at the rental counter is too late for the consumer to determine whether or not they already have sufficient coverage. Additionally, the notice may cause a consumer to decline coverage and leave them without any coverage. This information should be provided by the insurance agent at the time a consumer purchases their individual auto policy. Vote 14-0.

**HB 593**, requiring that bingo and lucky 7 distributors only distribute bingo and lucky 7 supplies to recipients licensed to conduct bingo games or lucky 7. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: The sponsor never showed up for this bill. No one could figure out a need for this legislation, and the present system seems to be working well. Vote 14-0.

**HB 605-FN**, prohibiting televised advertisements of lottery games and prohibiting self-serve lottery game vending machines. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This legislation would have effectively put the lottery out of business. There were some concerns over publicizing the odds on lottery games and the commission has agreed to run a trailer on their TV ads directing customers to their web site where all of the odds are posted. There was also some concern about minors purchasing lottery tickets from vending machines so the commission is sending out bulletins for stricter enforcement. Vote 13-1.

**HB 697**, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill has two parts. First, it updates the mission of Healthy Kids by removing language about pilot projects now that the program is statewide. The bill also continues the task force created to pursue methods to help every New Hampshire citizen in acquiring affordable health insurance. Vote 14-0.

**HB 363**, relative to buildings damaged or destroyed by arson. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The purpose of this bill was to ensure that the owner of a property would not have his or her property held as evidence for an indefinite period, thus preventing restoration or rebuilding of the home or business. However, RSA 595-A:6 already controls the release of evidence of all kinds, including buildings. The committee was not convinced that there were sufficient problems experienced to warrant mandating a 6-month time period for release. Vote 14-0.

**HB 521**, relative to an exception for hunter safety instruction to negligent storage of firearms. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill seeks to provide an exemption from RSA 650-C:1 for instructors in a certified hunter safety training course. RSA 650-C:1, III requires that "any person who stores or leaves on premises under that person's control a loaded firearm, and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian, is guilty of a violation if a child gains access to a firearm and (a) the firearm is used in a reckless or threatening manner; (b) the firearm is used during the commission of any misdemeanor or felony; or (c) the firearm is negligently or recklessly discharged. Any person who violates section III shall be fined not more than \$1,000." Hunter safety courses do not utilize a loaded firearm and parental permission is required to participate in the course. The committee felt that since the requirements of RSA 650-C:1 include a loaded firearm w/o parental permission to constitute a violation of RSA 650-C:1 and neither apply to hunter safety training courses as well as a requirement that any one of the listed actions (a, b, or c) must occur that the negligent storage of firearms statute (RSA 650-C:1) does not apply in this instance and the bill is not needed. Vote 15-0.

**HB 623, relative to the registration of criminal offenders. INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The bill reduces from 10 days to 7 days the time period under the sexual offender registration law for an offender to notify a local law enforcement agency of an address change and provides that upon release from incarceration, a criminal offender shall not reside within 1000 feet of a school, day care center, park, playground, or other site where children gather on a regular basis. The committee felt that, although well intentioned, the elements in this bill would not further public safety. While a sex offender is on parole, the restrictions placed on him or her is even more stringent than those in this bill. Every convicted sex offender in New Hampshire already must register under current law. Further statistics show that nearly all pedophiles offend relatives or someone known to him or her. Proximity to schools or playgrounds has not figured statistically into re-offense rates. A law like this, also, as a victim's advocate testified, might even engender a false sense of security in the public. It is better that the public be educated to the real facts and danger signs of sexual assault. Vote 15-0.

**HB 131, relative to the retention and disposal of certain financial disclosure forms. OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill would establish timelines for the secretary of state to retain and dispose of certain financial disclosure forms. The committee heard testimony that the statutes of limitations concerning these forms varied from 3 to 6 years. The amendment sets the retention time at 6 years for all forms, rather than the varying times in the original bill in order to ease compliance. The amendment also eliminates the requirement that one form, the statement of gifts, testimonials and honorariums, be kept in electronic form for an additional 20 years, due to the committee's belief that the whole issue of electronic document storage and retrieval needs more research. Vote 17-0.

**Amendment (0416h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Lobbyists; Statements; Retention of Statement of Fees and Expenditures. Amend RSA 15:3 by inserting after paragraph IV the following new paragraph:

V. The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed.

2 Financial Disclosure; Form of Disclosure; Retention of Declaration of Candidacy Form. Amend RSA 15-A:3 to read as follows:

15-A:3 Form of Disclosure. The secretary of state shall determine the forms required under this chapter, which shall appear as part of the acceptance of nomination form and the declaration of candidacy form. The forms shall include the definitions which appear in RSA 15-A:1, and adequate space to provide the required information. *The secretary of state shall maintain the declaration of candidacy form for 6 years from the date of filing, after which time it may be destroyed.*

3 Gifts, Testimonials, and Honorariums; Forms; Place of Filing; Retention of Statement of Gifts, Testimonials, and Honorariums. Amend RSA 15-B:4 to read as follows:

15-B:4 Forms; Place of Filing. The secretary of state shall furnish all forms required under this chapter. All persons filing a statement under this chapter shall file with the secretary of state. *The statements shall be held in the original form for 6 years from the date of filing, after which time they may be destroyed.*

4 New Paragraph; Organization of Executive Branch; Statements of Financial Interest for Board and Commission Members; Retention of Statement of Financial Interest. Amend RSA 21-G:5-a by inserting after paragraph IV the following new paragraph:

V. The secretary of state shall maintain the statement of financial interests for 6 years, after which time the statement may be destroyed.

5 Effective Date. This act shall take effect 60 days after its passage.

**HB 226, relative to instructions to voters for straight-ticket voting. OUGHT TO PASS WITH AMENDMENT**

Rep. Lynn C. Horton for Election Law: This bill, as amended, clarifies the language explaining the straight-ticket directions on the ballot. Vote 19-0.



**Amendment (0475h)**

Amend RSA 659:17, III as inserted by section I of the bill by replacing it with the following:

III. In a state general election, the following instructions to voters for straight ticket voting shall be printed on the ballot: Make the appropriate mark for the political party of your choice if you wish to vote for all candidates running in that party. If you vote a straight ticket *for a party*, but wish to vote for ~~[one or more individual candidates]~~ *a candidate of a different party or write in a candidate for any office*, you may do so *by making the appropriate mark for such candidate or writing the name of the person in the space provided for that purpose*, and your vote ~~[for an individual candidate with]~~ *so appropriately marked or so written on the lines for write-in votes shall be counted and shall* override the straight ticket party vote for that office. However, if you ~~[vote]~~ *mark your ballot for one candidate for an office or write a person in* for an office where more than one candidate is to be elected, be sure to vote individually for all candidates of your choice for that office, because your straight ticket *party* vote will not be counted for that office.

**HB 234**, relative to the jurisdiction of the ballot law commission. **INEXPEDIENT TO LEGISLATE** Rep. Natalie S. Flanagan for Election Law: This bill would have limited the jurisdiction of the ballot law commission to appeals from recounts. It was the feeling of the committee that the ballot law commission should continue with their current duties and that the responsibility in the office of the secretary of state should not increase. The ballot law commission is critical to the election process and the appeal process is working. Vote 19-0.

**HB 368**, relative to the time for processing absentee ballots. **INEXPEDIENT TO LEGISLATE** Rep. Peter E. Bragdon for Election Law: This bill would change the earliest time at which absentee ballots can be processed from the current 1:00p.m. to 10:00a.m. There was testimony indicating this would give more time to process ballots. However, the committee felt that this change would adversely affect the right of citizens to challenge absentee ballots, since they usually can no longer be challenged once processed. Also, polls in some locations do not open until 11:00am. Vote 19-0.

**HB 376**, allowing county commissioners serving 4-year terms to vote at state party conventions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Election Law: This narrow bill makes incumbent county commissioners serving 4-year terms eligible to vote at state party conventions. Vote 19-0.

**Amendment (0427h)**

Amend the bill by replacing all after the enacting clause with the following:

1 State Party Conventions; Date, Call and Purposes; County Commissioners Serving 4-Year Terms. Amend RSA 667:21, I to read as follows:

I. Not earlier than the third Tuesday of September following any primary, and not later than the last Tuesday of October, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, United States senator, United States representative, executive councilors, state senators, county officers, representatives, state delegates elected, the incumbent United States senator or senators *and the incumbent county commissioners serving 4-year terms, if any*, whose term or terms shall not expire during the January following that year's general election, shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors and effecting an organization for the following 2 years. The names and domiciles of the presidential electors nominated by such convention shall be forthwith certified to the secretary of state by the chairman and the clerk of the convention. Upon receipt of the foregoing certifications, the secretary of state shall publish in some paper of general circulation the names of the persons found by him to have been chosen as candidates for presidential electors by the several parties.

2 State Party Conventions; Party Organization; County Commissioners Serving 4-Year Terms. Amend RSA 667:22 to read as follows:

667:22 Party Organization. The nominees from a party, state delegates of each county, the incumbent United States senator or senators *and the incumbent county commissioners serving 4-year terms, if any*, if they have met the requirements of RSA 667:21, shall determine the membership of a county committee for their party either in said state convention or in county convention upon call of the chairman of the state committee. The county committee shall consist of such number of persons as the nominees from a party, the state delegates of each county, the incumbent United States



senator or senators *and the incumbent county commissioners serving 4-year terms, if any*, if they have met the requirements of RSA 667:21, shall determine to apportion to each county. The members of several committees thus chosen shall constitute the state committee of the party. Resignations from the state committee shall be received by the state committee and the state committee shall set a place and time and manner for filling such vacancies. A state committee may choose as its officers persons not members of the committee and such officers shall be ex officio members of the committee. The party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 484**, relative to disclosure of presidential election results. **INEXPEDIENT TO LEGISLATE**  
Rep. Michael S. Rollo for Election Law: This bill prohibits the announcement by the secretary of state of persons elected as electors for president and vice president until after the polls close on the West Coast. Unfortunately, the bill did not take into account varying times of closures in California, as well as Hawaii and Alaska. Vote 18-0.

**HB 531**, establishing a committee to study ballot reform. **INEXPEDIENT TO LEGISLATE**  
Rep. Jackie K. Weatherspoon for Election Law: The sponsor advocates a system called "instant runoff voting". Under this system, voters mark, for example, their 1st and 2nd choices among 3 candidates and if one of the three candidates fails to get a majority (50% plus one), the low vote getter is dropped and the ballots recounted with those voters who preferred the low vote getter having their second choice counted. This voting system is currently used in other parts of the world i.e., England, Ireland and Australia but not the U.S. The committee feels we have enough difficulties getting voters to understand our much simpler system. Vote 17-0.

**HB 575**, relative to absentee voter affidavits. **INEXPEDIENT TO LEGISLATE**  
Rep. Jackie K. Weatherspoon for Election Law: This bill amends the affidavit that a voter must execute to obtain an absentee ballot because of absence to require certification that the person may be absent and unable to vote. Currently a person requesting an absentee ballot must certify that he or she "shall" be absent on election day or unable to vote in person. This bill would change "shall" to "may". While the committee is sympathetic to the concerns raised by the sponsor, it is concerned that this bill could create de facto "vote by mail". Oregon is the only state that has adopted this and the committee feels that such a decision is premature. Vote 17-0.

**HB 597**, relative to the duties of inspectors of elections. **INEXPEDIENT TO LEGISLATE**  
Rep. Peter E. Bragdon for Election Law: This bill would authorize inspectors of elections to request that the Superior Court halt an election if election law procedures are violated and the moderator does not correct the matter or acts in a manner in violation of election laws. The committee believes that there are too many logistical problems to make this idea practical and also that remedies currently exist through the secretary of state and the ballot law commission. Vote 17-0.

**HB 639**, relative to the preparation of town ballots and relative to the nomination of presidential electors. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Richard B. Drisko for Election Law: The bill as originally submitted would eliminate from RSA 667:21 the requirement for the secretary of state to publish in a "newspaper of general circulation," the names of those candidates for presidential electors. The amendment retains the requirement and leaves RSA 667:21 intact as originally written. The bill adds language clarifying the number of candidates to be voted upon for an office. For example, current language is "vote for two" or "vote for one", etc. This bill inserts a maximum number i.e. vote for not more than a given number for an office as in "vote for not more than two." Vote 17-1.

#### **Amendment (0461h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the preparation of town ballots.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

#### **AMENDED ANALYSIS**

This bill amends certain instructions to be printed on town ballots consistently with instructions required to be printed on state ballots.

**HB 664**, relative to disqualification for violating election laws. **INEXPEDIENT TO LEGISLATE**  
Rep. Jackie K. Weatherspoon for Election Law: While it agreed with the intent to strengthen the election laws, the committee felt that this legislation would create more problems than it would solve. HB 664 would permanently disqualify from voting any person who willfully violated the election laws. The committee felt that additional education and training would be preferable to severe punishment for minor violations. Vote 17-0.

**CACR 11**, relating to mandatory retirement age for sheriffs. Providing that the mandatory retirement age for sheriffs shall be abolished. **INEXPEDIENT TO LEGISLATE**  
Rep. Donald R. Lent for Executive Departments and Administration: This bill would amend Part II, Article 78 of the constitution to allow county sheriffs to serve beyond the age of 70. The constitution also includes the same age 70 limitation for judges. The committee does not believe there is sufficient justification for the proposed amendment. Vote 14-0.

**HB 302-FN**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage. **OUGHT TO PASS WITH AMENDMENT**  
Rep. William R. Zolla for Executive Departments and Administration: This bill allows for a retired member who has remarried due to the death of a former spouse to elect to nominate the member's new spouse as a beneficiary for an optional allowance. There will be no additional cost to the New Hampshire retirement system because the newly elected option allowance shall be determined on an actuarial equivalent basis. The amendment simply clarifies some language in affected sections of the bill and introduces gender neutral language. Vote 14-0.

#### Amendment (0072h)

Amend the bill by replacing section 2 with the following:

2 Optional Allowances; References Added. Amend RSA 100-A:13, III to read as follows:

III. The options, each of which shall be of equivalent actuarial value to the allowance payable in the absence of election of an option, are:

Option 1. A reduced retirement allowance payable during the retired member's life, with the provision that at ~~[his]~~ *the member's* death a lump sum equal in amount to the difference between ~~[his]~~ *the* accumulated contributions at the time of ~~[his]~~ retirement and the sum of the member annuity payments made to ~~[him]~~ *the member* during ~~[his]~~ lifetime shall be paid to the beneficiaries or contingent beneficiaries, if any, nominated ~~[by him]~~ by written designation duly acknowledged and filed with the board of trustees if such beneficiaries or contingent beneficiaries survive ~~[him]~~ *the member*, otherwise to the retired member's estate.

Option 2. A reduced retirement allowance payable during the retired member's life, with the provision that it shall continue after ~~[his]~~ *the member's* death for the life of, and to, the beneficiary nominated ~~[by him]~~ by written designation duly acknowledged and filed with the board of trustees at the time of retirement, *or as provided in subparagraph II(a)(2).*

Option 3. A reduced retirement allowance payable during the retired member's life, with the provision that it shall continue after ~~[his]~~ death at 1/2 the rate paid to ~~[him]~~ *the member* and be paid for the life of, and to, the beneficiary nominated ~~[by him]~~ by written designation duly acknowledged and filed with the board of trustees at the time of retirement, *or as provided in subparagraph II(a)(2).*

Option 4. A reduced retirement allowance payable during the retired member's life, with some other benefit payable after ~~[his]~~ death, provided that such other benefit shall be approved by the board of trustees, *or a reduced retirement allowance payable during the retired member's life, with some other benefit payable after death, pursuant to the provisions of subparagraph II(a)(2).*

**HB 337-FN**, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission. **OUGHT TO PASS**  
Rep. Merton S. Dyer for Executive Departments and Administration: The Executive Department and Administration Committee is a second committee on this bill relative to the public utilities commission. The committee has reviewed the new position of executive director and upgrade of the general counsel to group Q of the unclassified system. The committee felt these positions to be at the proper level based on the duties and responsibilities. Vote 14-0.

**HB 458-FN-L**, establishing a defined contribution retirement option in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would establish a defined contribution retirement option within the New Hampshire retirement system. The committee felt that the presence of two types of plans, defined benefit and defined contribution plan, available to present and future members of the retirement system would weaken both plans. All testimony was in opposition to the proposal. Vote 14-0.

**HB 493**, relative to exemptions from the New Hampshire real estate practice act and relative to the definition of a short term rental. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: This bill, as amended, adds unit owner associations to the exempted classes of the real estate practice act when performing certain rental services. The rental shall be for less than 30 days and the rental service shall be provided by an on-site rental office that is operated and controlled by the unit owners' association. Vote 13-0.

#### Amendment (0264h)

Amend the title of the bill by replacing it with the following:

AN ACT exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act.

Amend the bill by replacing all after the enacting clause with the following:

1 Real Estate Practice Act; Exemption of Certain Short Term Rentals by Condominium Unit Owners' Associations. Amend RSA 331-A:4, VII - VIII to read as follows:

VII. Any person owning or operating a park, including the person's regular employees, in which manufactured housing to be sold or leased is located, who may, for a fee or commission or other valuable consideration, list, sell, purchase, exchange or lease such manufactured housing without a license of a broker or salesperson; [or]

VIII. A corporate consultant who receives a fee from a client based on site searching services rendered in accordance with a written contract, rather than on the completion of any particular transaction and who does not hold himself or herself out as a real estate broker; or

*IX. A unit owners' association that rents condominium and townhouse units for periods of 30 days or less for the exclusive benefit of the unit owners and the unit owners' association provided such rentals are managed through an on-site rental office that is operated and controlled exclusively by the unit owners' association.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill exempts a unit owners' association that rents condominium and townhouse units for 30 days or less from the real estate practice act, if the rentals are for the exclusive benefit of the unit owners and if they are managed through an on-site rental office operated by the unit owners' association.

**HB 523**, establishing a commission to investigate the possibility of setting up a division of hearings within the department of justice. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: The amendment, which replaces the bill, addresses filing fees and legislative approval of certain settlements by the attorney generals office. It also increases the fees for reports submitted by the trustees of charitable trusts from \$50.00 to \$75.00 for each submission. The bill now also requires legislative approval of any settlement of a claim in which the state through it's attorneys agrees to a commitment with financial consequences in excess of ¼ of one percent of more of total reported general fund unrestricted revenues from the previous fiscal year as reported by the legislative budget assistant. Vote 12-1.

#### Amendment (0563h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to filing fees and legislative approval of certain settlements by the attorney generals.

Amend the bill by replacing all after the enacting clause with the following:



1 Director of Charitable Trusts; Increase in Filing Fees for Reports by Trustees of Charitable Trusts. Amend RSA 7:28-a, II to read as follows:

II. Any periodic written report required by RSA 7:28, II to be filed with the attorney general shall be accompanied by a filing fee of [~~\$50~~] \$75.

2 Legislative Approval of Court Claims Against the State; Clarification of Reference to General Fund Unrestricted Revenues. Amend RSA 14:35-b, I to read as follows:

I. Any settlement of a claim against the state in which the state through its attorneys agrees to a commitment with financial consequences in excess of 1/4 of one percent or more of total reported general fund *unrestricted* revenues for the previous fiscal year as reported by the legislative budget assistant pursuant to paragraph II shall be subject to the approval of the legislature.

3 Effective Date. This act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill:

I. Increases the filing fees for reports by trustees of charitable trusts.

II. Clarifies that legislative approval is required to settle a claim against the state that exceeds a percentage of the total reported general fund unrestricted revenues for the previous fiscal year. Referred to Ways and Means.

### **HB 554-FN, establishing a division of information technology within the department of safety. OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill establishes within the department of safety a division of information technology. The committee felt that the amount of data being collected by this department required this formal status to interact within the department and with other agencies. Testimony insured that gender and age for statistical purposes could be separated within the data being collected. The amendment to this bill specifies clearly that the general court intends, where appropriate, that information within the department of safety would be accessible to other departments, including motor vehicle records by specific request and that the department of safety should be able to access other departments' information databases. Vote 13-0.

### **Amendment (0538h)**

Amend the bill by replacing section 1 with the following:

1 Purpose. The New Hampshire department of safety is a large agency operating under the direction of a commissioner, assistant commissioner, and directors of the various divisions. The various divisions provide emergency service and training of emergency personnel and administrative functions in the division of motor vehicles to the residents and visitors to New Hampshire. The information needs of the department are complex and vary greatly between the divisions. All divisions need their information in a timely fashion, and in some instances they need to communicate with each other and with other agencies. They also need to provide certain technologically dependent services to the general public, such as motor vehicle on-line registration and relicensure or payment of motor vehicle violations. Some department information is confidential; some information is provided on a need-to-know basis; and some information is public. The purpose of the office of information technology established in this act is to advise the commissioner and assistant commissioner on how to meet the needs of the agency and the public in a coherent and unified manner. The general court also intends that, where appropriate, information within the department of safety, including information derived from motor vehicle records on a case-by-case basis, should be accessible to other departments, and the department of safety should be able to access other departments' information databases.

### **HB 665, protecting licensed professionals from retaliation from their licensing boards for criticism of board practices. INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: The committee feels very strongly that an individual must be protected from retaliation by boards that govern their license. When the committee reviewed existing statutes, it was felt that RSA 275-E:2 provided this protection and that this bill was not necessary. The protection of whistle blowers and the process of each case are already in place. Vote 13-0.

### **HB 667, relative to certain reporting requirements and relative to meetings of the board of medicine. OUGHT TO PASS WITH AMENDMENT**



Rep. Maurice E. Goulet for Executive Departments and Administration: The amendment replaces the entire bill and increases the membership of the board of medicine by one member: the commissioner or medical director of health and human services. It changes the annual re-licensure cycle to a biennial basis. Failure to renew the licensure by June 30 of each two year will result in a doubling of the renewal fee. It also requires facilities (i.e. hospitals, health clinics, etc.) to report to the board of medicine within 30 days any disciplinary action against any person licensed by the board of medicine. Vote 14-0.

### Amendment (0562h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Residential Care and Health Facility Licensing; Disciplinary Action. Amend RSA 151 by inserting after section 6-a the following new section:

151:6-b Report of Disciplinary Action. Every facility administrator, or designee, for any health care facility licensed under this chapter shall report to the board of medicine any disciplinary or adverse action, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person licensed by the board.

2 Board of Medicine; Membership. Amend RSA 329:2, I to read as follows:

I. There shall be a board of medicine consisting of [8] **9** members; including 5 members selected from among physicians and surgeons, one member selected to represent physician assistants regulated by the board, *the commissioner or the medical director of the department of health and human services*, and [two] **2** public members[~~, each to be appointed by the governor with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms~~]. Only board members provided for in this paragraph shall have the authority to vote in board determinations. Any public member of the board shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

3 Board of Medicine; Commissioner of Health and Human Services as Voting Member. RSA 329:4 is repealed and reenacted to read as follows:

I. The commissioner or the medical director of the department of health and human services shall serve as a voting member of the board. The commissioner and the medical director are exempt from the provisions of RSA 329:4 II.

II. The remaining 8 members of the board shall be appointed, as their terms expire, by the governor with the advice and consent of the council. Their terms of office shall be 5 years and until their successors are appointed and qualified. No member shall be appointed to more than 2 consecutive terms. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any appointed member of the board for malfeasance, misfeasance, or nonfeasance.

4 Board of Medicine; Meetings. Amend RSA 329:7 to read as follows:

329:7 Meetings; Officers. The board shall meet monthly, or more often as its business requires. A president and such other officers as the board deems necessary shall be chosen annually from the membership of the board. [~~The commissioner of the department of health and human services shall be a nonvoting member.~~] *The president of the board may call an emergency meeting when required by an imminent peril to the public health or safety, and may conduct such meeting telephonically, with a quorum of board members eligible to vote with respect to the subject matter of the emergency. Any vote resulting from such meetings shall have the same effect as votes resulting from other meetings of the board, if such vote is ratified at the next regularly scheduled board meeting.* The duties of the officers of the board shall be those usually pertaining to such officers. *Elected board officers shall not serve more than 5 years in such elected positions.*

5 Reference to Annual Renewal Removed. Amend RSA 329:13-b, V(b) to read as follows:

(b) The board shall allocate [~~\$10~~] **\$20** from each physician [annual] license renewal fee it collects to provide funding for the physician effectiveness program as set forth in subparagraph V(a).

6 Physicians and Surgeons; Renewal of Licenses. Amend RSA 329:16-a to read as follows:

329:16-a Renewal. Every person licensed to practice under this chapter, except as provided in RSA 329:16-c, shall apply to the board [~~for annual~~] *on a biennial basis for renewal of license on*

forms provided by the board and shall pay a renewal fee as established by the board. *If a person applies to the board for a renewal of license by June 30 of the year in which the licensee's renewal is set to occur, the person's license shall not expire until July 1 of such year.*

7 Physicians and Surgeons; Notice of Renewal. Amend RSA 329:16-d to read as follows:

329:16-d Notice of Renewal. On or before ~~[May]~~ *February* 1 of each *licensee's renewal* year, the board shall mail each licensee, except those on the inactive list, an application for renewal of license.

8 Physicians and Surgeons; Neglect to Renew. Amend RSA 329:16-e to read as follows:

329:16-e Neglect to Renew. Any licensee who fails to ~~[file an application for renewal]~~ *renew his or her license* by June 30 *of the year in which the licensee's renewal is set to occur* shall be required to pay double the renewal fee. Any failure, neglect or refusal on the part of any person licensed by the board to renew the license as provided in RSA 329:16-a shall automatically lapse such license. Licenses lapsed under this section shall not be restored except upon payment of a restoration fee as established by the board, and a showing of such evidence of professional competence as the board may reasonably require.

9 Physicians and Surgeons; Disciplinary Action. Amend RSA 329:17, IV to read as follows:

IV. Every *facility administrator, or designee, for any* licensed hospital, *health* clinic, *ambulatory surgical center* or other health care facility within the state shall report to the board any disciplinary or adverse action, *within 30 days after such action is taken*, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person licensed by the board ~~[within 30 days after such action is taken]~~.

10 New Paragraph; Physicians and Surgeons; Persons Excepted. Amend RSA 329:21 by inserting after paragraph XV the following new paragraph:

XVI. To such physician assistants as have been approved and certified by the board while under the supervision and control of a physician licensed in this state, but only if such person:

(a) Is a student in an established program which has been approved by the board; or

(b) Is a graduate of such a program and has passed, or has received temporary certification for the period pending the results of any examination for physician assistants required by the board.

11 Effective Date.

I. Sections 5 and 6 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill:

I. Changes the membership of the board of medicine, by including the commissioner as a voting member.

II. Allows the president of the board to call an emergency meeting when required by an imminent peril to the public health or safety.

III. Requires every facility director, or designee, for any licensed hospital, health clinic, ambulatory surgical center, medical training school or facility, or other health care facility, to report to the board any adverse action.

IV. Changes the requirement for license renewal from an annual basis to a biennial basis.

V. Provides an exception to the requirements of RSA 329 for physician assistants who meet certain requirements.

VI. Requires certain medical and health care professionals to report to the board of medicine any adverse action.

#### **HB 682**, relative to accidental disability income benefits. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The sponsor indicated, in a letter to the chairman, that he did not wish to pursue this bill. House rules 43 (a) states that a hearing will be held on each bill in the possession of the committee. A member of the committee introduced the bill. The bill would establish income entitlement in place of the disability retirement or pension. This change would call into question the tax qualified status of the present plan, as the treasury regulations do not authorize an income entitlement or income benefit in a qualified pension plan. Given this information, the committee recommends inexpedient to legislate. Vote 14-0.

#### **HB 684**, relative to the occupational therapy practice act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill updates definitions, treatment authorization procedures, licensure, supervision, and delegation of duties of occupational

therapists and occupational therapy assistants. The amendment deals with specific duties the board shall perform regarding continuing education that will be accepted and defines the extent of the board's authority in rule making. Additionally, the amendment protects patient safety by preventing delegation of duties to anyone beyond their level of licensure or training. Vote 13-0.

### **Amendment (0577h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions; Occupational Therapy. RSA 326-C:1, IV is repealed and reenacted to read as follows:

IV. "Occupational therapy" means the therapeutic use of purposeful and meaningful occupations (goal-directed activities) to evaluate and treat individuals who have a disease or disorder, impairment, activity limitation, or participation restriction which interferes with their ability to function independently in daily life roles, and to promote health and wellness.

(a) Occupational therapy intervention may include:

(1) Remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes.

(2) Adaptation of task, process or the environment, or the teaching of compensatory techniques, in order to enhance performance.

(3) Disability prevention methods and techniques which facilitate the development or safe application of performance skills.

(4) Health promotion strategies and practices which enhance performance abilities.

(b) Occupational therapy services include, but are not limited to:

(1) Evaluating, developing, improving, sustaining or restoring skills in activities of daily living (ADLs), work or productive activities, including instrumental activities of daily living (IADLs), and play and leisure activities.

(2) Evaluating, developing, remediating, or restoring sensorimotor, cognitive, or psychosocial components of performance.

(3) Designing, fabricating, applying, or training in the use of assistive technology or orthotic devices, and training in the use of prosthetic devices.

(4) Adaptation of environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles.

(5) Application of physical agent modalities as an adjunct to or in preparation for engagement in occupations when applied by a practitioner who has documented evidence of possessing the theoretical background and technical skills for safe and competent use.

(6) Evaluating and providing intervention in collaboration with the client, family, caregiver, or others.

(7) Educating the client, family, caregiver, or others in carrying out appropriate non-skilled interventions.

(8) Consulting with groups, programs, organizations, or communities to provide population-based services.

2 Evaluation and Treatment Authorization. RSA 326-C:2 is repealed and reenacted to read as follows:

326-C:2 Evaluation and Treatment Authorization.

I. Consultation and evaluation by an occupational therapist may be performed without a referral. Initiation of occupational therapy services to individuals with medically related conditions shall be based on a referral from a physician or physician assistant licensed by the state board of medicine, an advanced registered nurse practitioner licensed under RSA 326-B:10, a chiropractor licensed under RSA 316-A, an optometrist licensed under RSA 327, or any other qualified health care professional who, within the scope of the professional's licensure, is authorized to refer for health care services.

II. Prevention, wellness and education related services shall not require a referral. These services may be provided in a variety of settings such as educational, work, recreational, and residential settings and community centers for adults and children.

3 License Required. Amend RSA 326-C:3 to read as follows:

326-C:3 License Required.

I. No person, not licensed under this chapter and RSA 328-F, shall practice or hold oneself out as being able to practice occupational therapy ~~[without obtaining a license]~~ or assist in the practice



*of occupational therapy or provide occupational therapy services in this state unless the person is licensed* under this chapter and RSA 328-F. Holding oneself out shall include the use of *any word, title, letters, abbreviations, or insignia* intended to designate an individual as a licensed occupational therapist or occupational therapy assistant.

[(a)] Nothing in this [section] *paragraph* shall be construed to prohibit students enrolled in schools or courses in occupational therapy, approved by the board in cooperation with the American Occupational Therapy Association, from performing occupational therapy which is incidental to their respective courses of study or supervised field work.

[(b)] ~~[Repeated:]~~

II. The board shall license each applicant who satisfies the requirements of RSA 326-C:4. Upon payment of a license fee, the board shall issue to such person a certificate of licensure, which shall be prima facie evidence of the right to practice as an "occupational therapist ~~[registered]~~" or "~~[certified]~~ occupational therapy assistant." Licensed occupational therapists may use the letters "~~O.T.R.~~" or "~~O.T.R./L.~~" "*OT*" or "*OT/L*" and occupational therapy assistants may use the letters "~~C.O.T.A.~~" or "~~C.O.T.A./L.~~" "*OTA*" or "*OTA/L*" in connection with their names or places of business to denote their licensure under this chapter and RSA 328-F.

4 New Section; Coercion Prohibited. Amend RSA 326-C by inserting after section 3 the following new section:

326-C:3-a Coercion Prohibited. No person shall coerce a licensed occupational therapist or occupational therapy assistant into compromising patient safety by requiring the licensed occupational therapist or occupational therapy assistant to delegate if the licensed occupational therapist or occupational therapy assistant determines that it is inappropriate to do so. Licensed occupational therapists or occupational therapy assistants shall not be subject to disciplinary action by the board for refusing to delegate activities or tasks or refusing to provide the required training for delegation if the licensed occupational therapist or occupational therapy assistant determines that delegation may compromise patient safety.

5 Conditions for Licensure; Examination. RSA 326-C:4. II(e) is repealed and reenacted to read as follows:

(e) Successfully complete the entry level certification examination for occupational therapists or occupational therapy assistants approved by the board, such as the examination administered by the National Board for Certification in Occupational Therapy, Inc. or by another nationally recognized credentialing body.

6 Conditions for Licensure; Professional Knowledge. Amend RSA 326-C:4, V to read as follows:

V. The board may, upon notice and opportunity for a hearing, deny an application or impose probationary conditions upon any applicant who fails to establish such applicant's qualifications to the satisfaction of the board. Conditions imposed ~~[may]~~ *shall* include requiring continuing education or practice under supervision of a licensed occupational therapist. *The board shall require such applicants to demonstrate efforts to maintain a current level of professional knowledge for the period of one year prior to issuing a license.*

7 Rulemaking. Amend RSA 326-C:11, VI and VII to read as follows:

VI. Requirements for continuing ~~[professional education and]~~ *competency and continuing professional education as a condition of license renewal, initial licensure, license reinstatement, or endorsement licensing. Programs approved through the American Occupational Therapy Association's approved provider program shall be approved by the board. Other programs shall be approved by the board provided they meet the established requirements.*

VII. ~~[Any other matter necessary for the administration of this chapter and the board's duties and responsibilities under RSA 328-F.]~~ *Requirements for the training and documentation of training for the application of physical agent modalities as an adjunct to or in preparation for engagement in occupations.*

VIII. *Requirements for the supervision of occupational therapy assistants.*

IX. *Requirements for the use and supervision of non-licensed personnel who provide supportive services to licensed occupational therapists or occupational therapy assistants.*

8 Repeal. RSA 326-C:4, II(f), relative to demonstration of professional knowledge prior to application, is repealed.

9 Effective Date. This act shall take effect 60 days after its passage.



**HB 688**, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would require the standing committees of the house and senate to issue a joint resolution to any rules to which the joint legislative committee on administrative rules had issued a final objection. The Supreme Court issued an opinion on June 23, 1981 stating that the shifting of this power to such a small group cannot fairly be said to represent the "legislative will." The joint legislative committee on administrative rules has the power of a joint resolution, to send a rule to the full legislature, at this time. This change would remove their authority to issue a joint resolution. Vote 12-2.

**HB 714-FN**, requiring the disclosure by a governor or councilor of certain gifts. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would require the governor or a councilor who has received a gift from a person being nominated, appointed or approved by the council, to file a report with the attorney general if the value of the "gift" exceeds \$100.00. The committee felt that this was not needed as the governor and council has a strict code of ethics in place. Vote 14-0.

**HB 719**, relative to the removal of public officials for cause. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill modifies RSA 4:1 on the removal of public officials for cause. Upon the receipt of a petition to remove an official and three positive votes by the council, the council shall hold a public hearing on the subject of the petition. Three votes for removal by the council and the concurrence of the governor are required for removal. The aggrieved party may appeal to the superior court within 30 days of the date of the order. Vote 14-0.

**HB 370**, relative to the regulation of the trapping by the fish and game department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Fish and Game: The purpose of this bill, as amended, is to make it easier to trap nuisance wildlife. The bill takes two avenues to accomplish this task. First, it repeals the bulk of the snaring law (RSA 210:17) as well as the report of catch law (210:21) and allows the Executive Director of the Fish and Game Department to adopt rules, under RSA 541-A, governing these activities. Second, the bill allows the Executive Director to adopt rules, under RSA 541-A, for the licensure and regulation of wildlife control operators engaged in the practice of the trapping of nuisance animals. This bill was sponsored by the New Hampshire Trappers Association and has the support of the New Hampshire Fish and Game Department, Northeast Wildlife Services, DeBow Wildlife Service, and the New Hampshire Wildlife Federation. Vote 14-0.

#### **Amendment (0410h)**

Amend RSA 210:17 as inserted by section 1 of the bill by replacing it with the following:

210:17 Snares. The executive director may adopt rules, under RSA 541-A, relative to the use of snares for the taking of wildlife.

**HB 445**, relative to hunting in the town of Bow. **INEXPEDIENT TO LEGISLATE**

Rep. Paul M. Mirski for Fish and Game: The majority felt that proponents provided insufficient cause for further limiting the opportunity to hunt in Bow. Proponents also failed to provide the majority with sufficient cause to limit the means of taking game in Bow. Vote 7-6.

**HB 471-FN**, relative to fish and game licenses issued to resident and nonresident minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vincent E. Greco for Fish and Game: This bill as amended allows a child 12-16 to accompany a parent or grandparent when hunting. Current law only allows resident children and is a burden to families with children living out of state. This also makes fishing licenses for legally blind people reciprocal between New Hampshire and other states with the same privileges. Vote 13-0.

#### **Amendment (0568h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons.

Amend RSA 214:2, I and II as inserted by section 5 of the bill by replacing them with the following:

**I.** The provisions of RSA 214:1 shall not apply to resident ~~land~~ owners ~~[of farmlands and their minor children]~~ while upon their own land ~~or to the owner's children under 16 years of age when accompanied by the owner or another licensed person 18 years of age or over on such land,~~ to persons fishing in ponds operated and maintained ~~[by a duly licensed fish or game breeder, to resident children]~~ **in an aquaculture operation, to persons hunting on a regulated shooting area, to persons under 16 years of age while fishing, to [resident children] persons under 16 years of age while hunting when accompanied by a licensee 18 years of age or over, or to [resident children] residents under 16 years of age while trapping when accompanied by a licensee 18 years of age or over.**

**II.** Fishing licenses may be issued without charge to resident **legally blind** persons, but no hunting licenses shall be issued to ~~[blind]~~ **such** persons. A fishing license issued to a resident blind person shall be effective during the remainder of ~~[his]~~ **the person's** life unless sooner suspended or revoked by the executive director. **The executive director may issue complimentary nonresident fishing licenses to legally blind persons if the state in which the person is a resident provides a reciprocal privilege for legally blind residents of this state. The executive director shall determine the form of such complimentary licenses. A complimentary nonresident fishing license under this paragraph shall be effective for the lifetime of the applicant unless sooner suspended or revoked by the executive director.**

### AMENDED ANALYSIS

This bill changes the application of special deer permits, black bear tags, falconry permits, wild turkey permits or licenses, and general fish and game license exceptions to resident and nonresident persons under the age of 16.

This bill also provides for complimentary nonresident fishing licenses for legally blind persons if the state the person is a resident of provides a reciprocal privilege.

### **HB 604-FN, relative to increasing certain fees and making other changes to fish and game licenses. OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Fish and Game: This bill as amended will increase the fee structure for certain licenses that are issued by the New Hampshire Fish and Game Department over a two year period. The last time the Fish and Game Department raised their license fees was in 1989. The projection at the time was that this increase would last until 1995, however it is still in effect today. The committee unanimously feels that with the rise in costs of everything today, this increase is justified. This bill also creates a non-resident one-day fishing license and repeals a non-resident small game 3-day license and a nonresident 15-day fishing license as well as the one-day family-fishing license. In addition to having the support of the Fish and Game Department and the Fish and Game Commission, this bill has the support of the New Hampshire Wildlife Federation. Vote 13-0.

### **Amendment (0266h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Bow and Arrow; Resident and Nonresident; 2002 Fee Increase. Amend RSA 208:5, I to read as follows:

1. Any resident 16 years of age or older, upon the payment of ~~[\$14.50]~~ **\$19**, or any nonresident 16 years of age or older, upon the payment of a fee of ~~[\$49]~~ **\$64**, shall be issued an archery license.

2 Bow and Arrow; Resident and Nonresident; 2003 Fee Increase. Amend RSA 208:5, I to read as follows:

1. Any resident 16 years of age or older, upon the payment of ~~[\$19]~~ **\$21**, or any nonresident 16 years of age or older, upon the payment of a fee of ~~[\$64]~~ **\$72**, shall be issued an archery license.

3 Muzzleloader; Resident and Nonresident; 2002 Fee Increase. Amend RSA 208:5-a to read as follows:

208:5-a Muzzleloaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, upon payment of a fee of ~~[\$10]~~ **\$13** by residents or a fee of ~~[\$27]~~ **\$35** by nonresidents, shall be issued a license. A muzzleloading license shall not be required for residents less than 16 years of age, but such person while hunting with a muzzleloading firearm shall be accompanied by a properly licensed person who is 18 years of age or over and must also comply with all provisions of this chapter. The license shall entitle the holder to hunt deer with a single shot muzzleloading firearm.

4 Muzzleloader; Resident and Nonresident; 2003 Fee Increase. Amend RSA 208:5-a to read as follows:

208:5-a Muzzleloaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, upon payment of a fee of [~~\$13~~] **\$15** by residents or a fee of [~~\$35~~] **\$40** by nonresidents, shall be issued a license. A muzzleloading license shall not be required for residents less than 16 years of age, but such person while hunting with a muzzleloading firearm shall be accompanied by a properly licensed person who is 18 years of age or over and must also comply with all provisions of this chapter. The license shall entitle the holder to hunt deer with a single shot muzzleloading firearm.

5 Special Deer Permits; Rulemaking; Maximum 2002 Fee. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special deer permits to a licensee licensed under RSA 214:9, 208:5, or 208:5-a. Such special deer permits shall allow the taking of additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for special deer permits. The executive director may charge a fee not to exceed [~~\$10~~] **\$13** for all applications for special deer permits.

6 Special Deer Permits; Rulemaking; Maximum 2003 Fee. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special deer permits to a licensee licensed under RSA 214:9, 208:5, or 208:5-a. Such special deer permits shall allow the taking of additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for special deer permits. The executive director may charge a fee not to exceed [~~\$13~~] **\$15** for all applications for special deer permits.

7 Oyster License; 2002 Fee Increase. Amend RSA 211:62-a to read as follows:

211:62-a License for Taking. No person shall at any time take oysters unless the person is a resident of the state and has been duly licensed as provided in this section. Any resident of this state shall, upon application to the executive director of the fish and game department, be granted a license to take oysters upon payment of a fee of [~~\$20~~] **\$26**. Such license shall be issued for the current calendar year. The executive director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use the person's oyster license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

8 Oyster License; 2003 Fee Increase. Amend RSA 211:62-a to read as follows:

211:62-a License for Taking. No person shall at any time take oysters unless the person is a resident of the state and has been duly licensed as provided in this section. Any resident of this state shall, upon application to the executive director of the fish and game department, be granted a license to take oysters upon payment of a fee of [~~\$26~~] **\$29**. Such license shall be issued for the current calendar year. The executive director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use the person's oyster license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

9 Clam License; 2002 Fee Increase. Amend RSA 211:64-b to read as follows:

211:64-b License For Recreational Taking of Clams. No person shall at any time take clams for such person's own use unless the person is a resident of the state and has been duly licensed as provided in this section. Any person 6 years of age or older shall, upon application to the executive director of the fish and game department, be granted a license to take clams for recreational purposes upon payment of a fee of [~~\$20~~] **\$26**. Such license shall be issued for the current calendar year. A resident of the state may take up to one quart of clamworms during any one day for such person's own use without a license. A person who furnishes to another person or permits another person to have or use the person's recreational clam license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.



10 Clam License; 2003 Fee Increase. Amend RSA 211:64-b to read as follows:

211:64-b License For Recreational Taking of Clams. No person shall at any time take clams for such person's own use unless the person is a resident of the state and has been duly licensed as provided in this section. Any person 6 years of age or older shall, upon application to the executive director of the fish and game department, be granted a license to take clams for recreational purposes upon payment of a fee of [~~\$26~~] **\$29**. Such license shall be issued for the current calendar year. A resident of the state may take up to one quart of clamworms during any one day for such person's own use without a license. A person who furnishes to another person or permits another person to have or use the person's recreational clam license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

11 Hunting; Resident; 2002 Fee Increase. Amend RSA 214:9, I to read as follows:

I. If the applicant is a resident of this state and wishes to hunt, [~~\$14-50~~] **\$19**, and the agent shall thereupon issue a resident hunting license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

12 Hunting; Resident; 2003 Fee Increase. Amend RSA 214:9, I to read as follows:

I. If the applicant is a resident of this state and wishes to hunt, [~~\$19~~] **\$21**, and the agent shall thereupon issue a resident hunting license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

13 Fishing; Resident; 2002 Fee Increase. Amend RSA 214:9, II to read as follows:

II. If the applicant is a resident of this state and wishes to fish, [~~\$22-25~~] **\$29**, and the agent shall thereupon issue a resident fishing license, which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

14 Fishing; Resident; 2003 Fee Increase. Amend RSA 214:9, II to read as follows:

II. If the applicant is a resident of this state and wishes to fish, [~~\$29~~] **\$33**, and the agent shall thereupon issue a resident fishing license, which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

15 Combined Hunting and Fishing; Resident; 2002 Fee Increase. Amend RSA 214:9, III to read as follows:

III. If the applicant is a resident of this state and wishes to hunt and fish, [~~\$29-50~~] **\$39**, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by use of traps, and to transport wild birds, wild animals, all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

16 Combined Hunting and Fishing; Resident; 2003 Fee Increase. Amend RSA 214:9, III to read as follows:

III. If the applicant is a resident of this state and wishes to hunt and fish, [~~\$39~~] **\$44**, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by use of traps, and to transport wild birds, wild animals, all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

17 Hunting; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VI to read as follows:

VI. If the applicant is a nonresident, including a nonresident minor, and wishes to hunt, [~~\$69-50~~] **\$91**, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

18 Hunting; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VI to read as follows:

VI. If the applicant is a nonresident, including a nonresident minor, and wishes to hunt, [~~\$91~~] **\$102**, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

19 Combined Hunting and Fishing; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VI-a to read as follows:



VI-a If the applicant is a nonresident and wishes to hunt and fish, [~~\$95~~] **\$125**, and the agent shall thereupon issue a nonresident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonids under the restrictions of this title.

20 Combined Hunting and Fishing; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VI-a to read as follows:

VI-a If the applicant is a nonresident and wishes to hunt and fish, [~~\$125~~] **\$139**, and the agent shall thereupon issue a nonresident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonids under the restrictions of this title.

21 Small Game; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VII-a to read as follows:

VII-a. If the applicant is a nonresident and wishes to take small game as defined in RSA 207:1, XXVI, [~~\$35.50~~] **\$46**, and the agent shall thereupon issue a nonresident small game license which shall entitle the licensee to hunt, shoot or take small game; provided, however, this license shall not authorize the taking of fur-bearing animals as defined in RSA 207:1, VIII.

22 Small Game; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VII-a to read as follows:

VII-a. If the applicant is a nonresident and wishes to take small game as defined in RSA 207:1, XXVI, [~~\$46~~] **\$52**, and the agent shall thereupon issue a nonresident small game license which shall entitle the licensee to hunt, shoot or take small game; provided, however, this license shall not authorize the taking of fur-bearing animals as defined in RSA 207:1, VIII.

23 Fishing; Nonresident; 2002 Fee Increase. Amend the introductory paragraph of RSA 214:9, VIII to read as follows:

VIII. If the applicant is a nonresident, 16 years of age or older, and wishes to take any species of freshwater fish, saltwater smelt, saltwater shad, or saltwater salmonoids, [~~\$34.50~~] **\$45**, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids, under the restrictions of this title, provided that:

24 Fishing; Nonresident; 2003 Fee Increase. Amend the introductory paragraph of RSA 214:9, VIII to read as follows:

VIII. If the applicant is a nonresident, 16 years of age or older, and wishes to take any species of freshwater fish, saltwater smelt, saltwater shad, or saltwater salmonoids, [~~\$45~~] **\$51**, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids, under the restrictions of this title, provided that:

25 Fishing; 7-Day; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VIII(b) to read as follows:

(b) If the applicant wishes to take said fish for 7 consecutive days, [~~\$22.50~~] **\$30**, and the agent shall thereupon issue a 7-day nonresident fishing license for said time only under the restrictions of this title;

26 Fishing; 7-Day; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VIII(b) to read as follows:

(b) If the applicant wishes to take said fish for 7 consecutive days, [~~\$30~~] **\$33**, and the agent shall thereupon issue a 7-day nonresident fishing license for said time only under the restrictions of this title;

27 Fishing; 3-Day; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VIII(c) to read as follows:

(c) If the applicant wishes to take said fish for 3 consecutive days, [~~\$17.50~~] **\$23**, and the agent shall thereupon issue a 3-day nonresident fishing license for said time only under the restrictions of this title; and

28 Fishing; 3-Day; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VIII(c) to read as follows:

(c) If the applicant wishes to take said fish for 3 consecutive days, [~~\$23~~] **\$26**, and the agent shall thereupon issue a 3-day nonresident fishing license for said time only under the restrictions of this title; and

29 New Subparagraph; Nonresident One-day Fishing License. Amend RSA 214:9, VIII by inserting after subparagraph (d) the following new subparagraph:

(e) If the applicant wishes to take said fish for one day, **\$13**, and the agent shall thereupon issue a one-day nonresident fishing license for said time only under the restrictions of this title;

30 Repeal. The following are repealed:

- I. RSA 214:9, VII-b, relative to the nonresident small game 3-day license.
- II. RSA 214:9, VIII(a), relative to the nonresident 15-day fishing license.
- III. RSA 214:9, VIII-b, relative to the one-day family fishing license.

31 Effective Date.

I. Sections 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28 of this act shall take effect January 1, 2003.

II. The remainder of this act shall take effect January 1, 2002.

Referred to Ways and Means.

**HB 248**, extending for one year the pilot program relative to the administration of medications in residential care facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Margaret A. Case for Health, Human Services and Elderly Affairs: When originally heard, the motion was made to RETAIN this bill, as a vehicle to address the dispensing of medications in residential care facilities by unlicensed personnel who had been trained. It was agreed by the sponsors that HB 248 was no longer necessary and the issues raised would be addressed through HB 408. Vote 14-0.

**HB 255**, requiring that body piercing be performed by a licensed physician. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: The issue of body piercing is one of strong public health interest. The committee decision to recommend a study committee will make it possible to combine the issues regarding "body works", (including tattooing, body piercing, marking, tongue piercing and branding). The study shall include, but not be limited to client safety and public protection, education and training for persons practicing "body works" and the practice environment. The committee makes this proposal so the recommendation for future legislation will be coordinated to better serve the public and public protection and address the public health concerns raised by these practices. Vote 15-0.

#### Amendment (0524h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the practice of "body works."

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes the public health and safety concerns regarding "body works", including branding, body piercing, tongue piercing, tattooing, and marking. Therefore, the committee recommends the formation of a committee to study the practice of "body works" and to recommend appropriate legislation.

2 Committee Established. There is established a committee to study the practice of "body works", including branding, body piercing, tongue piercing, tattooing, and marking.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study the practice of "body works", including branding, body piercing, tongue piercing, tattooing, cosmetic tattooing, and marking. The committee's study shall include, but not be limited to client safety and public protection, education and training for persons practicing "body works", and the practice environment.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

7 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a committee to study the practice of "body works."

**HB 569**, establishing a committee to study the education of family caregivers in New Hampshire.  
**ought to PASS WITH AMENDMENT**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: The changes in long-term care needs have increased the participation of families in the care and support of family members. There are few opportunities available to address the support, information and training needs of family caregivers. As this caregiving rule changes, it becomes important to plan for ways to enhance the capability of family members in the valuable caregiving they are giving. Vote 13-0.

**Amendment (0528h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire.

Amend the bill by replacing sections 1-4 with the following:

1 Statement of Purpose. The general court recognizes that the increasing number of elderly in New Hampshire necessitate more family caregivers. In an effort to provide the seniors in our state the best possible care, it is important to provide educational opportunities in both public and private educational institutions. Therefore, the general court hereby establishes a committee to investigate the potential for informative educational opportunities for family caregivers and to study other issues relative to caregiving.

2 Committee Established. There is established a committee to study the information, training, and support needs of and other issues relative to family caregivers.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Three members of the senate, 2 of whom shall be from the public institutions, health and human services committee, appointed by the president of the senate.

II. The committee shall solicit information from the following:

(a) The commissioner of the department of health and human services, or designee.

(b) The director of elderly and adult services, department of health and human services.

(c) A representative from the state council on aging.

(d) The director of developmental services, department of health and human services.

(e) The Foundation for Health Communities.

(f) The New Hampshire Medical Society.

(g) The Home Care Association of New Hampshire.

(h) The commissioner of regional community-technical colleges, or designee.

(i) The New Hampshire Nurses Association.

(j) The Alliance for the Mentally Ill of New Hampshire.

(k) The New Hampshire Association of Counties.

(l) The New Hampshire Health Care Association.

(m) A representative of consumers of health care.

(n) Any other person or entity the committee deems relevant.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall investigate ways to improve and educate family caregivers in New Hampshire. The committee's study shall include, but not be limited to, the feasibility of:

I. Offering informative educational opportunities for family caregivers.

II. Amending the state statutes to include family caregivers.

III. Establishing caregiver networks and support groups.

IV. Providing respite care for caregivers.

## AMENDED ANALYSIS

This bill establishes a committee to study the information, training, and support needs of family caregivers in New Hampshire.



**HB 573**, relative to the role of advanced registered nurse practitioners in the state mental health services system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janceen Dalrymple for Health, Human Services and Elderly Affairs: This bill authorizes and describes the role of the Psychiatric Mental Health Advanced Registered Nurse Practitioner in the state mental health system in designated state facilities. This bill is restricted to emergency treatment, including involuntary admissions, physical and mental evaluations and the degree of security and treatment required. The education and preparation of the Psychiatric Mental Health Advanced Registered Nurse Practitioner has evolved to meet the increasing needs in emergency mental health situations. This also addresses the shortage of psychiatrists in New Hampshire, particularly in rural areas. Vote 14-0.

#### **Amendment (0537h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the role of certain advanced registered nurse practitioners in the state mental health services system.

Amend the bill by replacing all after the enacting clause with the following:

1 Emergency Treatment. Amend the introductory paragraph and paragraph I of RSA 135:21-b to read as follows:

135:21-b Emergency Treatment. A physician licensed in the state, *a psychiatric mental health advanced registered nurse practitioner*, or a person acting under [his] such *physician's or advanced registered nurse practitioner's* direction may administer a recognized and approved form of medical or psychiatric treatment which the physician *or the psychiatric mental health advanced registered nurse practitioner* reasonably believes will tend to promote the physical and mental health of a patient of the New Hampshire hospital, Laconia developmental services, Glenclyff home for the elderly, any community mental health or mental retardation program or treatment facility receiving state grants under ~~[RSA 126-B or]~~ RSA 171-A, or any other treatment facility designated as a receiving facility under RSA 135-C, when:

1. The physician *or psychiatric mental health advanced registered nurse practitioner* reasonably believes that a medical or psychiatric emergency exists; and

2 New Paragraph; Definition Added; Advanced Registered Nurse Practitioner. Amend RSA 135-C:2 by inserting after paragraph II the following new paragraph:

II-a. "Advanced registered nurse practitioner" or "A.R.N.P." means an advanced registered nurse practitioner licensed by the board of nursing who is a psychiatric mental health specialist and who has at least 2 years' experience as an advanced registered nurse practitioner working with individuals who have mental illness, as defined in paragraph X of this section, and who meet any other criteria specified in rules adopted by the department.

3 Involuntary Emergency Admission; Advanced Registered Nurse Practitioners. Amend RSA 135-C:28 to read as follows:

135-C:28 Involuntary Emergency Admission Examination.

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. The admission may be ordered upon the certificate of a physician *or A.R.N.P., as defined in RSA 135-C:2, II-a*, who is approved by either a designated receiving facility or a community mental health program approved by the commissioner, provided that within 3 days of the completion of the petition the physician *or A.R.N.P.* has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician *or A.R.N.P.* must find that the person to be admitted meets the criteria of RSA 135-C:27. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician *or A.R.N.P.* has actually observed or which have been reported to him *or her* by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician's *or A.R.N.P.'s* opinion satisfy the criteria set forth in RSA 135-C:27. The physician *or A.R.N.P.* shall identify in the certificate the facility in the state mental health services system to which the person shall be admitted. The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, "petitioner" means any individual, including a physician *or A.R.N.P.* completing a certificate, who has requested that a physician *or*



**A.R.N.P.** conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.

II. Upon request for involuntary emergency admission by a petitioner, if the person sought to be admitted refuses to consent to a mental examination, a petitioner or a law enforcement officer may sign a complaint which shall be sworn to before a justice of the peace. The complaint shall be submitted to the justice of the peace with the petition. The petition shall state in detail the acts or actions of the person sought to be admitted which the petitioner has personally observed or which have been personally reported to [him] *the petitioner* and in his *or her* opinion require a compulsory mental examination. If the justice of the peace finds that a compulsory mental examination is necessary, the justice may order the examination.

III. When a peace officer observes a person engaging in behavior which gives the peace officer reasonable suspicion to believe that the person may be suffering from a mental illness and probable cause to believe that unless the person is placed in protective custody the person poses an immediate danger of bodily injury to himself or others, the police officer may place the person in protective custody. Any person taken into protective custody under this paragraph shall be transported directly to an emergency room of a licensed general hospital or to another site designated by the community mental health program serving the area, for the purpose of determining if an involuntary emergency admission shall be ordered in accordance with RSA 135-C:28, I. The period of protective custody shall end when a physician *or A.R.N.P.* makes a determination as to whether involuntary emergency admission shall be ordered or at the end of 6 hours, whichever event occurs first.

4 Involuntary Admission; Advanced Registered Nurse Practitioners. Amend RSA 135-C:32 to read as follows:

135-C:32 Ten-Day Limitation; Petition for Involuntary Admission. No person shall be admitted for an involuntary emergency admission under RSA 135-C:27-33 for longer than a 10-day period, unless a subsequent petition for involuntary emergency admission which contains allegations of specific acts or actions which occurred subsequent to the initial involuntary emergency admission is completed and the admission is ordered by a physician *or A.R.N.P., as defined in RSA 135-C:2, II-a*, in accordance with RSA 135-C:28, or unless a petition requesting a judicial hearing on the issue of involuntary admission under RSA 135-C:34-54 has been filed with the appropriate probate court within the involuntary admission period. Upon the filing of the petition with the probate court, the period of involuntary emergency admission may be extended until the issuance of the order of the probate court pursuant to RSA 135-C:45.

5 Effective Date. This act shall take effect 60 days after its passage.

**HB 576**, establishing a committee to study the manner in which certain drugs are prescribed to children with behavior disorders. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee recognized that a number of bills relating to the writing and dispensing of prescription medications, including accuracy of writing prescriptions, provision of facts about medications, including adverse effects and several bills that relate to the use of Ritalin by children with behavioral disorders have been introduced this session. The committee felt that a study committee with a comprehensive approach to the study of the many like issues involved in regarding laws, protocols, rules and regulations pertaining to the various state agencies that have responsibilities for all aspects of the utilization of drug prescriptions in New Hampshire would be appropriate. The committee duties would include a review of laws to ensure the safe, accurate and secure dispensation of drugs. The committee would study methods used to assure that prescriptions are clearly written and that complete descriptions of drugs' effects and side effects are provided and that the public be informed of "hot line" service to answer urgent questions regarding drugs. Specifically, the committee would review the frequency under which drugs are prescribed for children to see if they are prescribed inconsistent with the physicians' desk reference. The committee also would review the degree to which children, who are prescribed Ritalin or a similar medication, are monitored by physicians and other mental health professionals, as well as the frequency with which drug therapy is combined with other mental health treatment. Vote 18-0.

#### Amendment (0527h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, including one member of the health, human services and elderly affairs committee and one member of the children and family law committee, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee may solicit such information and testimony from physicians, mental health professionals, other licensed professionals who write prescriptions, parents of children with behavior disorders, pharmacists, and any other person designated by the committee to be helpful to the committee in the performance of its duties. The committee shall use the current volume of the Diagnostic and Statistical Manual of Mental Disorders, American Psychiatric Association as a guide in defining diagnostic criteria for childhood and adult disorders.

3 Duties. The committee shall:

I. Review the state of New Hampshire laws and policy that ensure the safe, accurate, and secure dispensation of drugs.

II. Ensure that the state of New Hampshire has the necessary laws, protocols, rules, and regulations to ensure that prescriptions are transmitted accurately and in a timely way from prescriber to dispensing agent, that prescriptions are clearly written, and that complete descriptions of the drugs' effects and side effects are provided.

III. Review the provision of emergency "hot line" services in the state of New Hampshire to answer urgent questions and the availability to the public of new information regarding drugs which includes newly discovered side effects.

IV. Gather information relative to the practice of prescribing Ritalin and similar medications to children with behavior disorders, and including:

(a) The frequency and circumstances under which drugs that the Physicians Desk Reference does not recommend for children who are less than 6 years old are prescribed to children who are less than 6 years old.

(b) The degree to which children who are prescribed Ritalin or similar medications are monitored by physicians and other mental health professionals, as well as the frequency with which drug therapy is combined with other mental health treatment.

(c) The feasibility of requiring a diagnostic evaluation prior to prescribing drug therapy to children with behavior disorders.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

#### **HB 621, relative to the form of prescriptions. INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Committee on Health and Human Services and Elderly Affairs voted unanimously to recommend Inexpedient to Legislate. The committee was sympathetic to the content of HB 621, but felt that the content and objective of the bill is covered by the HB 576 study committee recommended by this committee. Vote 17-0.

**HB 683**, relative to the prescription of Methylphenidate (Ritalin) to minors. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Committee on Health and Human Services and Elderly Affairs voted unanimously on HB 683 for Inexpedient to Legislate. The committee supported the concepts of HB 683, but felt that all of the issues involved are included in the study committee proposed in HB 576 as amended. Vote 16-0.

**HB 751**, authorizing an advisory committee and establishing a conflict of interest policy regarding grant awards from the health care fund. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill states that "no person with a substantial investment in an organization requesting funding or applying for a grant.... shall be appointed" to the grant advisory committee of the Department of Health and Human Services. This committee makes recommendations to the Commissioner about grants generated from the interest earned by the Department Transition Fund. The committee heard convincing testimony that the bill was counter-productive on two grounds: 1) the advisory committee's current conflict of interest policy made further restrictions unnecessary and 2) further restrictions on the advisory committee measures would hinder its effectiveness. Thus, the committee voted unanimously to recommend the bill Inexpedient to Legislate. Vote 14-0.

**CACR 6**, relating to proceedings for impeachment of judges. Providing that certain procedures shall be established in the house and senate for the impeachment of a judge. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: CACR 6 proposes a constitutional amendment which would place into the Constitution the procedures adopted by the House and Senate in the impeachment proceedings last year. The Committee determined that such constitutional enshrinement is unnecessary and would prohibit future legislatures from structuring impeachment rules to adequately address future impeachment proceedings. Vote 18-0.

**CACR 8**, relating to the term of office for judges. Providing that the tenure of judges shall be during good behavior except as otherwise provided by the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This proposed Constitutional amendment relates to terms of judges. The Committee has established a subcommittee to explore this very idea. However, the Committee has retained an alternative vehicle which could accomplish the objectives of this amendment should the Committee find them most advantageous. Vote 17-1.

**HB 360**, establishing terms for the offices of administrative judges of the court. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This bill seeks to impose a term limit for "administrative" or "chief justices" of the various courts. The terms for these particular offices are not prescribed by the Constitution and can be created statutorily. The Committee has created a subcommittee to study this topic and has retained a more flexible bill, which could be used to implement this bill should it be found advisable. Vote 17-0.

**HB 444**, relative to mental health services and records. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill clarifies and broadens the due process protections afforded to people whose conditional discharges from the New Hampshire Hospital are revoked and to those who are found to be incompetent to stand trial in criminal cases. The bill will likely save the state money by releasing people with mental illness from the hospital who do not need to be there while at the same time safeguarding the rights of the individual as well as the safety and rights of society at large. Vote 15-0.

**Amendment (0138h)**

Amend the bill by replacing all after section 2 with the following:

3 Reference Change. Amend RSA 135:17-a, II to read as follows:

II. If the defendant is to undergo treatment to restore competency, he or she may be treated in the state mental health system or at the secure psychiatric unit ~~(if the criteria set forth in RSA 135-C:27 are met)~~ **only in accordance with RSA 135-C**. In all other cases, the accused shall, if otherwise qualified, be admitted to bail. The court may order bail supervision by the division of field services



and impose such conditions, in addition to the appropriate course of treatment to restore competency, as the court deems necessary to ensure the appearance of the defendant for further proceedings in the case, and the safety of the defendant and the community.

4 Effective Date. This act shall take effect 60 days after its passage.

**HB 466**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Judiciary: The intent of this bill is to broaden the pool of available and qualified justices to serve as alternates on the Supreme Court in the event of disqualification or temporary vacancies. This is to help ensure that any chief justice does not "get two votes" by choosing someone they know is on the same philosophical or ideological path as they. Vote 16-0.

#### **Amendment (0579h)**

Amend the bill by replacing section 1 with the following:

I Supreme Court Justices; Method for Choosing Replacement Justices for Disqualified Justices. RSA 490:3, II and III are repealed and reenacted to read as follows:

II. Upon the retirement, disqualification, or inability to sit of a justice or justices of the supreme court, the chief justice or senior associate justice of the supreme court shall determine, taking into consideration the requirements of RSA 490:7, whether a replacement justice or justices are needed and if so, the number of replacement justices required. The chief justice or senior associate justice may determine that, for purposes of administrative efficiency, a single replacement justice should serve in more than one case during an argument session rather than using different replacement judges during the session. If the determination is made that a replacement justice or justices are needed, the chief justice or senior associate justice shall notify the clerk of the supreme court that a replacement justice or justices will be selected. The following procedure shall be followed in selecting a replacement justice:

(a) The clerk of the supreme court shall determine whether any retired supreme or superior court justice is available and qualified to serve as a replacement justice. If more than one retired justice is available and qualified to serve, the replacement justice shall be chosen by lot by the clerk from those available and qualified to serve.

(b) If no retired justice is available and qualified to serve as a replacement justice, the clerk of the supreme court shall request that the chief justice of the superior court prepare a list of all active superior court justices available and qualified to serve as a replacement justice. The replacement justice shall be chosen by lot by the clerk of the supreme court from the active superior court justices available and qualified to serve.

(c) The lots shall be drawn publicly in the chamber of the supreme court, after reasonable notice to the parties and to the public to the extent practicable.

(d) After the replacement justice or justices are selected, the clerk of the supreme court shall certify that the above procedure was followed.

III. A justice assigned to sit temporarily on the supreme court pursuant to paragraph II of this section shall have all the authority of a supreme court justice to hear arguments, render decisions, and file opinions. No justice shall be assigned to sit on the supreme court in the determination of any cause or matter upon which the justice has previously sat or for which such justice is otherwise disqualified nor without such justice's consent.

**HB 467**, relative to a term for the chief justice of the supreme court. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: The Committee has voted to retain HB 566 as the vehicle to consider term limits for the administrative heads of each of the courts. The Committee will consider the issues contained in HB 467 under that bill. Vote 17-0.

**HB 624**, establishing a committee to study requiring mandatory ethics seminars for judges. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The Committee has received duplicate bills on this subject. One of the major subcommittees on judicial reform has retained the subject matter of ethical seminars and judicial ethics generally. The vote of Inexpedient to Legislate on this bill should not be interpreted as a lack of interest by the Committee, but rather the elimination of a duplicate bill. We assure the sponsor that the subject will certainly be seriously considered by the judicial reform subcommittee. Vote 16-0.



**HB 482** relative to airport zoning. **OUGHT TO PASS**

Rep. Marilyn A. Fraser for Municipal and County Government: This bill is the result of HB 1161 of the 2000 session to study revisions to the State Aeronautic Laws, RSA 422-424. HB 482 is a simple straightforward bill to clarify that local airport zoning regulation and procedures are subject to the current provisions of laws regarding planning and zoning relative to the adoption, enforcement, rehearing and appeals procedures. This bill has the support of the committee along with the Division of Aeronautics and the Department of Transportation. Vote 13-0.

**HB 491**, establishing a procedure for zoning boards of adjustment to give notice of violation of zoning ordinances. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would allow a zoning board of adjustment to file a notice of violation at the Registry of Deeds when there was a violation of a land use ordinance by a property that has not been resolved. Prior to the notice being filed, the board would be required to file a petition and have a hearing. The action of filing notice would in effect place a "cloud" on the title, which the committee felt presented many unanswered questions. Other concerns that were raised ranged from the unknown administrative burden that would be created by this legislation on the municipality and the Registry of Deeds to the fact that the bill might encourage overzealous citizens or officials to report violations of land use ordinances which could result in an increased number of neighborhood feuds. Finally, unanswered questions arose as to the ramifications of obtaining release when the violations had either been corrected or when the ordinance had been changed making the violation mute. Vote 15-0.

**REGULAR CALENDAR****HB 530**, relative to the grounds for termination of the parent-child relationship. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher J. Seibel for Children and Family Law: The Committee felt that this bill would give a parent the right to prevent their child from receiving mental health counseling even if mental health counseling was mandated by the Courts during a CHINS/Diversion hearing. The Committee also felt that HB 576 out of Health and Human Services and Elderly Affairs would address all aspects of the utilization of prescription drugs in New Hampshire. Vote 11-5.

Rep. Albert spoke against.

Rep. Dowling spoke in favor and yielded to questions.

Rep. Rob Thompson requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

**YEAS 291 NAYS 62****YEAS 291****BELKNAP**

Bartlett, Gordon	Czech, Stanley	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Russell, David
Salatiello, Thomas	Thomas, John	Wood, Jane	

**CARROLL**

Babson, David Jr	Bradley, Jeb	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler
Hunt, John	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Roberts, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Rodrigue, Robert	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Ham, Bonnie	Lovett, Sid	Marshall, Gene	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Ward, Brien	Williams, Burton

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergin, Peter	Bouchard, David	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Cardin, Lori	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Clayton, William	Clegg, Robert Jr	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Duval, Jeffrey	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasch, Carolyn	Golding, William
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Graham, John
Guinta, Frank	Hall, Betty	Hall, Charles	Herman, Keith
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Konyas, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lasky, Bette	Leach, Edward	Lynde, Harold
Martel, Andre	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Movesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Seibel, Christopher	Spiess, Paul
Sweeney, Cynthia	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, John			

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Moore, Carol	Perkins, Randy
Potter, Frances	Poulin, David	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Swindlehurst, John	Whalley, Michael
Yeaton, Charles			

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Clark, Vivian
Coes, Betsy	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Holland, James Jr	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane

Kobel, Rudolph  
McGuire, Robert  
Norelli, Terie  
Pantelakos, Laura  
Rausch, James  
Saia, Pamela  
Stone, Joseph  
Welch, David

Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Pitts, Jacqueline  
Reardon, Neil  
Shultis, Elizabeth  
Stritch, C Donald  
Whittier, John

Langone, John  
Micklon, Stephanie  
O'Keefe, Patricia  
Priestley, Anne  
Robertson, Carl  
Sloan, Stephen  
Trueman, Raymond  
Woekel, Ralph

Major, Norman  
Morse, Charles  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Splaine, James  
Weatherspoon, Jacquelyne  
Zolla, William

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Reid, Christopher  
Taylor, Kathleen

Cossette, Larry  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Smith, Marjorie  
Tsiros, William

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair  
Wall, Janet

Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Proulx, Raymond  
Spang, Judith  
Woodill, Rodney

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Rodeschin, Beverly

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

### NAYS 62

### BELKNAP

Boyce, Laurie

Rosen, Ralph

Wendelboe, Fran

### CARROLL

Dickinson, Howard

Kenney, Joseph

Sullivan, P Judith

### CHESHIRE

None

### COOS

Rozek, Michael

### GRAFTON

Alger, John  
Mirski, Paul

Cobb, John  
Sova, Charles

Dudley, Terri

Giuda, Robert

### HILLSBOROUGH

Balboni, Michael  
Bruno, Pierre  
Haley, Robert  
McHugh, Claire  
Tahir, Saghir

Balcom, John  
Christiansen, Lars  
Hopper, Gary  
McRae, Karen  
Tate, Joan

Bergeron, Jean-Guy  
Dwyer, Paul  
Jean, Loren  
Salts, Greg  
Thompson, Rob

Bragdon, Peter  
Greenberg, Gary  
Lefebvre, Roland  
Shaw, Barbara  
White, Donald

### MERRIMACK

Kennedy, Richard

Langer, Ray

Maxfield, Roy

Winter, Steven

### ROCKINGHAM

Bishop, Franklin  
Hill, Jonathan  
Johnson, Rogers  
Power, Lucille  
Varrell, Thomas

Bowles, Raimond  
Hutchinson, Karen  
Kelley, William  
Putnam, Ed II  
Weyler, Kenneth

Chalbeck, Kevin  
Introne, Robert  
Letourneau, Robert  
Quandt, Marshall

Fesh, Bob  
Itse, Daniel  
Palermo, Diane  
Quandt, Matthew

### STRAFFORD

Albert, Russell  
McCarthy, Gerald

Callaghan, Frank  
Twombly, James

Harrington, Michael  
Woods, Phyllis

Lachance, Douglas

## SULLIVAN

None  
and the report was adopted.  
Rep. Jeff Gilbert did not vote and wished to be recorded in favor.

**HB 743**, transfers the department of youth development services to the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill places the Department of Youth Development Services (DYDS) under the Department of Health and Human Services under a separate unit, the unit of Juvenile Justice Services. In addition to dealing with all juveniles currently under DYDS, it will transfer the juvenile parole and probation officers from the Division for Children, Youth and Families (DCYF) and Family Services into this unit. It is the hope of this committee that this change will offer a wide array of comprehensive services at sustainable costs. Vote 15-0.

**Amendment (0516h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. All functions, powers, duties, personnel, records, property and funds of the department of youth development services under RSA 621 and RSA 621-A, including the youth development center in Manchester and the youth services center in Concord, are hereby transferred to the department of health and human services. The commissioner of health and human services shall establish a division, office, or unit within the department for the administration of juvenile justice services, including but not limited to the administration of the youth development center and the youth services center. Any such division, office, or unit shall have the same status within the department as the unit of the department currently responsible for the administration of services to children and youth under RSA 170-G.

2 Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Commission Established; Membership Changed. Amend RSA 12-J:1, III (a)(6) to read as follows:

(6) The [commissioner of the department of youth development services] *director of the unit of juvenile justice services, department of health and human services.*

3 New Paragraph; Department of Health and Human Services; Juvenile Justice Services. Amend RSA 126-A:4 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any other provision of law to the contrary, the commissioner shall establish a division, office, or unit within the department for the administration of all juvenile justice services, including but not limited to the administration of the youth development center under RSA 621, the youth services center under RSA 621-A, and the supervision of juvenile probation and parole officers under RSA 170-G. Such division, office, or unit shall have the same status within the department as the unit of the department responsible for the administration of services to children and youth under RSA 170-G.

II-b. The commissioner shall administer the youth development center as provided in RSA 621 and the youth services center as provided in RSA 621-A.

4 New Paragraph; Rulemaking. Amend RSA 126-A:16 by inserting after paragraph II the following new paragraph:

II-a. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the management of the youth development center, the youth services center, and all other juvenile justice facilities and programs operated by the department and all persons connected with the youth development center, the youth services center, and all other juvenile justice facilities and programs operated by the department, and for the admission and care of children at the youth development center, the youth services center, and all other juvenile justice facilities and programs operated by the department.

5 Delinquent Children; Dispositional Hearing; Extended Jurisdiction. Amend RSA 169-B:19, III-(a) to read as follows:

(a) Prior to the seventeenth birthday of a minor who had been adjudicated delinquent for committing a violent crime as defined in RSA 169-B:35-a, I(c), or who had been petitioned to court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicator hearings which alleged misdemeanor or felony offenses, the prosecutor or the department of health and human services may file a motion with the court to extend jurisdiction pursuant to RSA 169-B:4, V. [The department



of youth development services may file a motion to extend jurisdiction for any minor committed to its custody pursuant to RSA 169-B:19, 1(j).] The department of corrections shall be served a copy of the motion and be a party to the proceeding.

6 Review of Dispositional Orders in Juvenile Cases; Application for Review; Reference Removed. Amend RSA 169-G:2, I to read as follows:

I. The department of health and human services [~~or department of youth development services~~] may file with the clerk of the district court where the dispositional order was issued an application for review of the order by the review panel. The application shall be filed within 7 days after the date of the dispositional order, but not thereafter except for good cause shown. The filing of an application for review shall stay the implementation of the dispositional order.

7 Commission on Juvenile Justice; Commission Established; Reference to Department of Youth Development Services Removed. Amend RSA 169-H:1 to read as follows:

169-H:1 Commission Established. A commission on juvenile justice shall be established to receive certain reports from the department of health and human services [~~and from the department of youth development services~~]. The commission shall have the power to conduct hearings and to call witnesses and receive testimony regarding reports received from [~~either~~] *the* department. The commission shall consist of 5 members, one appointed by the governor, 2 members of the house of representatives, appointed by the speaker of the house, and 2 members of the senate, appointed by the senate president. No member of the commission shall be a state employee or a contractor with the state of New Hampshire.

8 Commission on Juvenile Justice; Quarterly Reports Replaced With Annual Report. RSA 169-H:2 is repealed and reenacted to read as follows:

169-H:2 Annual Report. The commissioner of the department of health and human services shall, no later than November 1 of each year, submit an annual report to the commission on juvenile justice, established for the purpose of receiving such reports, containing statistical analysis on the use of RSA 169-B, RSA 169-D, RSA 621, and RSA 621-A, and voluntary services programs. Such report shall include but not be limited to analysis of the youths served by the department during the year categorized by age, race, gender, petition type, and offense (for youth served pursuant to RSA 169-B, RSA 621, or RSA 621-A), the costs including transaction costs incurred for services, programs, and placements provided, parental reimbursement collected, the number of out-of-state placements and the cost and duration of such placement, the recidivism rates of youth committed to the youth development center, an analysis of staffing issues in relation to the ability of the department to deliver necessary services, and an identification of areas where services, programs, and placements for youth served pursuant to RSA 169-B, RSA 169-D, RSA 621, and RSA 621-A can be improved. The first such report shall be due September 1, 2001.

9 Parole of Delinquents; Purpose of Juvenile Parole. Amend RSA 170-H:1 to read as follows:

170-H:1 Purpose of Juvenile Parole. It is the intent of the general court that the juvenile parole system provide a means of rehabilitating delinquents who have been committed to the custody of the [~~administrator of the~~] department of [~~youth development services~~] *health and human services*, without continued incarceration. It is also the intent of the general court that the juvenile parole board and the [~~department of youth development services~~] *department of health and human services*, when administering this system, demonstrate recognition of the need to protect the public from criminal acts by juvenile parolees.

10 Parole of Delinquents; Eligibility for Release; Reference Change. Amend RSA 170-H:6, 1(a) to read as follows:

(a) The [~~administrator~~] *commissioner* has determined that parole is in the best interest of the delinquent and the public and that further incarceration will be of no benefit; and

11 New Chapter Title; Youth Development Services Changed to Youth Services Center. Amend the title of RSA 621-A to read as follows:

#### CHAPTER 621-A

#### YOUTH [~~DEVELOPMENT~~] SERVICES CENTER

12 Youth Services Center; Definitions Amended. Amend RSA 621-A:1 to read as follows:

621-A:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of [~~youth development services~~] *health and human services*.

II. "Department" means the department of [~~youth development services~~] *health and human services*.

**III. "Detention" means the care of a child in a physically restricted facility while awaiting further action by a court.**

13 Youth Services Center; Powers and Duties of Commissioner. RSA 621-A:4 is repealed and reenacted to read as follows:

621-A:4 Powers and Duties of Commissioner.

I. The commissioner shall maintain the youth services center for such purposes as the commissioner shall determine, which may include, but are not limited to, the purposes described in RSA 621-A:5.

II. The commissioner shall adopt rules under RSA 541-a relative to:

(a) The discharge of any child admitted to the center when further detention is either unnecessary or undesirable.

(b) The return of the child to such custody as may be determined appropriate or as ordered by the court.

14 Youth Services Center; Admission. Amend RSA 621-A:6 to read as follows:

621-A:6 Admission[; ~~Discharge From Youth Services Center~~].

[F] Children, subject to proceedings in juvenile court, may be admitted to the youth services center for temporary detention while awaiting disposition of the court pursuant to RSA 169-B:14, for educational services pursuant to RSA 186-C, ~~RSA 169-B~~, ~~RSA 169-C~~, or ~~RSA 169-D~~, only upon prior approval of the commissioner.

[H. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) ~~The discharge of any child admitted to the center when further detention is either unnecessary or undesirable; and~~

(b) ~~The return of the child to such custody as may be determined appropriate or as ordered by the court.]~~

15 Youth Development Services; Advisory Board Name Change to Juvenile Justice Advisory Board. Amend RSA 621-A:9, I to read as follows:

621-A:9 [~~Department of Youth Development Services~~] *Juvenile Justice* Advisory Board Established.

I. There is hereby established a [~~department of youth development services~~] *juvenile justice* advisory board. The board shall act in an advisory capacity and make recommendations to the commissioner relative to programs and services provided to children [~~referred to the department pursuant to RSA 169-B~~] *at the youth development center and the youth services center*.

16 Juvenile Justice Advisory Board; Membership Changed. Amend RSA 621-A:9, II (c) to read as follows:

(c) The [~~commissioner~~] *director* of the [~~department~~] *unit* of [~~youth development~~] *juvenile justice* services [~~or designee~~] *within the department*, who shall serve as an ex officio member.

17 New Subparagraphs; Juvenile Justice Advisory Board; Members Added. Amend RSA 621-A:9, II by inserting after subparagraph (h) the following new subparagraphs:

(i) One member of the house children and family law committee, appointed by the speaker of the house.

(j) A juvenile probation and parole officer appointed by the commissioner of the department of health and human services.

18 Duties of the Juvenile Justice Advisory Board; Reference Change. Amend RSA 621-A:11 to read as follows:

621-A:11 Duties of the Advisory Board.

I. The advisory board shall act in an advisory capacity to assist the commissioner of the department of [~~youth development~~] *health and human* services relative to *juvenile justice* programs and services provided to children [~~who are referred to the department~~] *at the youth development center and the youth services center*. The board may also provide advice and input on fiscal and budgetary matters [~~within the department~~] *related to such facilities*, the availability of state and federal grants, business partnerships, and other funding sources available to the department *for such facilities*.

II. Beginning in December 2000, and annually thereafter, the board shall submit a written report to the speaker of the house, the president of the senate, and the governor detailing the activities of the board and any recommendations made by the board to the department *relative to juvenile justice services*.

19 Change from Department of Youth Development Services to Department of Health and Human Services. Amend the following RSA provisions by replacing "department of youth development services" with "department of health and human services": 169-B:19, I(j); 169-B:19, VI; 169-D:17, V(c); 170-H:2, IV-a; 170-H:2, V-a; 170-H:7; 170-H:13; 186-C:3-b, II(o); 186-C:19-a, I; 186-C:19-b, I(a); 186-C:20, I; 621:1, II; 621:3, II-a; 621:3, V-a.

20 Salary Deleted. Amend RSA 94:1-a, I, group O by deleting "commissioner, department of youth development services."

21 Repeal. The following are repealed:

I. RSA 169-B:3, III (c), relative to department of youth development services' access to department of health and human services records.

II. RSA 169-H:3, relative to the annual report of the department of youth development services to the commission on juvenile justice.

III. RSA 621-A:2, relative to the establishment of the department of youth development services.

IV. RSA 621-A:3, relative to the appointment, qualifications, and compensation of the commissioner of youth development services.

V. The subdivision heading "Youth Services Center" preceding RSA 621-A:5

VI. RSA 621-A:8, relative to the rulemaking authority of the department of youth development services.

22 Applicability. The restructuring of the department of youth development services as a unit of the department of health and human services shall occur within 60 days of the effective date of this act.

23 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 171-FN, abolishing the death penalty. MAJORITY: OUGHT TO PASS. MINORITY: IN-EXPEDIENT TO LEGISLATE.**

Rep. James R. Splaine for the Majority of Criminal Justice and Public Safety: The committee held a five-hour public hearing and heard much testimony on each side of this issue, with most of those attending in favor of abolishment of the death penalty. It was the belief of the majority of the committee that evidence does not indicate that there is any deterrent from having the death penalty, and most nations, including virtually all of Europe, have abolished the death penalty without any increase in violent crime. Testimony was presented that prosecuting a crime where a death penalty would be given is much more costly than other prosecutions, and that life in prison without any chance of parole, as this legislation provides, would be less costly than the required appeals process leading to an execution. Members of the committee also considered the impact of executions on our youth, and the message that sends. Whether they are televised or not, all executions are "public" in that they receive much publicity, and our youth see that a state government can take someone's life, short of war. Is that a message we want to give to young, immature minds? In essence, adoption of this bill replaces one death penalty with another. Instead of a costly appeals process for several years leading to an execution, the inmate spends the rest of his or her natural life in prison without any chance of parole, and then dies. Vote 9-6.

Rep. Stanley E. Stevens for the Minority of Criminal Justice and Public Safety: New Hampshire has a very carefully crafted capital murder statute. Unlike many other states, it is narrow in application, reserved only for crimes so horrible that anything less than execution of the offender is incomprehensible. It is so restrictive that rarely does a crime rise to that level. The last time this occurred is familiar to most of here in the legislature. The defendant avoided the ultimate penalty by pleading guilty to a lesser charge. However, whether you are for or against the death penalty, can there be any doubt that this crime fell within the definition of our capital punishment statute? Now ask yourself, when was the last time you can recall a crime rising to that level occurring here in New Hampshire? Except the killing of the two troopers a couple of weeks earlier, I can't recall one since back in the 60's. Our current law is a good law. We believe it does have a deterrent effect in that seldom does it have to be applied and even less often implemented. For these, and many other reasons, our minority report members urge you to defeat this bill.

Reps. Stevens spoke against.

Reps. Sargent, Rowe, William Johnson, Loren Jean and DiFruscia spoke in favor.

Reps. Kennedy and Kacavas spoke against and yielded to questions.



Rep. Pilliod spoke in favor and yielded to questions.

Rep. Pitts requested a roll call; sufficiently seconded.

The question being the adoption of the majority committee report of Ought To Pass.

## YEAS 180 NAYS 188

### YEAS 180

#### BELKNAP

Boyce, Laurie	Johnson, William	Millham, Alida	Pilliod, James
Rice, Thomas Jr	Salatiello, Thomas	Wood, Jane	

#### CARROLL

Bradley, Jeb	Quimby, Lee
--------------	-------------

### CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Russell, Ronald	Smith, Edwin
Weed, Charles	Zerba, Roger		

### COOS

Bradley, Paula	Gallus, John	Horton, Lynn	Landers, Dana
Rodrigue, Robert			

### GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Dudley, Terri	Eaton, Stephanie	Giuda, Robert	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

### HILLSBOROUGH

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Carlson, Donald	Chabot, Robert	Clayton, William
Cote, David	Cote, Peter	Craig, James	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dyer, Merton
Elliott, Larry	Flora, Kathleen	Ford, Nancy	Gargas, Carolyn
Golding, William	Gonzalez, Carlos	Gorman, Mary	Greenberg, Gary
Haley, Robert	Hall, Betty	Herman, Keith	Jean, Claudette
Jean, Loren	Johnson, Lionel	Konys, Christine	LaRose, Richard
Lasky, Bette	Leach, Edward	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McRae, Karen	Messier, Irene	Milligan, Robert
Moran, Edward	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Peterson, Andrew	Rowe, Robert	Sargent, Maxwell	Souza, Kathleen
Spiess, Paul	Tahir, Saghir	Tate, Joan	Vaillancourt, Steve
Wheeler, Robert	White, Donald	White, John	

### MERRIMACK

Bouchard, Candace	Clarke, Claire	Colcord, J D	Daneault, Gabriel
Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
MacKay, James	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Seldin, Gloria	Whittemore, James
Winter, Steven	Yeaton, Charles		

### ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret
Coes, Betsy	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony



Dowling, Patricia  
Gleason, John  
Langley, Jane  
Norelli, Terie  
Rabideau, Marie  
Splaine, James

Fesh, Bob  
Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Ruffner, Walter  
Trueman, Raymond

Flanagan, Natalie  
Kelley, Jane  
Major, Norman  
Pitts, Jacqueline  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Giordano, Ronald  
Kelley, William  
Micklon, Stephanie  
Power, Lucille  
Sloan, Stephen  
Zolla, William

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Heon, Richard  
Lachance, Douglas  
Smith, Marjorie  
Woods, Phyllis

Bickford, David  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Snyder, Clair

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith

Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Proulx, Raymond  
Wall, Janet

### SULLIVAN

Allison, David  
Franklin, Peter

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb, Amy

Flint, Gordon Sr

### NAYS 188

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Russell, David

Czech, Stanley  
Lawton, David  
Thomas, John

Dewhirst, Glenn  
Nedeau, Stephen  
Wendelboe, Fran

Flanders, Donald  
Rosen, Ralph

### CARROLL

Babson, David Jr  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

Mock, Henry  
Sullivan, P Judith

### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

### COOS

Guay, Lawrence  
Woodward, David

Rozek, Michael

Stohl, Eric

Tholl, John Jr

### GRAFTON

Alger, John  
Gilman, G Michael  
Sova, Charles

Barker, Robert  
Marshall, Gene  
Teschner, Douglass

Cobb, John  
Mirski, Paul  
Ward, Brien

Gabler, William  
Scanlan, David  
Williams, Burton

### HILLSBOROUGH

Allan, Nelson  
Balcom, John  
Bragdon, Peter  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dwyer, Paul  
Foster, Linda  
Graham, John  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Pappas, Marc  
Seibel, Christopher  
Thulander, O Alan

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Cardin, Lori  
Coughlin, Pamela  
Eaton, Richard  
Furman, Christine  
Guinta, Frank  
Kacavas, John  
Lefebvre, Roland  
Melcher, Harold  
Pepino, Leo  
Shaw, Barbara

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Daigle, Robert  
Emerton, Lawrence Sr  
Goley, Jeffrey  
Hall, Charles  
Kurk, Neal  
Martel, Andre  
Mercer, Robert  
Reeves, Sandra  
Sweeney, Cynthia

Balboni, Michael  
Bouchard, David  
Buckley, Raymond  
Christiansen, Lars  
Dionne, Kimberley  
Fletcher, Richard  
Goulet, Maurice  
Holden, Randolph  
L'Heureux, Robert  
McDonough-Wallace, Alice  
O'Connell, Timothy  
Salts, Greg  
Thompson, Rob

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Cummings, Raymond	Dunne, Christopher
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Lockwood, Priscilla	Maxfield, Roy
Perkins, Randy	Poulin, David	Rush, Deanna	Soltani, Tony
Swindlehurst, John	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Corbin, Corey	Cox, Russell	Dodge, Robert	Downing, Michael
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Letourneau, Robert	McGuire, Robert	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Pantelakos, Laura	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reardon, Neil
Robertson, Carl	Saia, Pamela	Sapareto, Frank	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John	Woekel, Ralph		

**STRAFFORD**

Albert, Russell	Callaghan, Frank	Cossette, Larry	Harrington, Michael
Knowles, William	McCarthy, Gerald	Reid, Christopher	Rollo, Michael
Taylor, Kathleen	Tsiros, William	Twombly, James	Woodill, Rodney

**SULLIVAN**

Ferland, Brenda	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Odell, Bob	Rodeschin, Beverly	

and the majority report failed.

Rep. Avery moved Inexpedient to Legislate.

**MOTION TO LAY ON THE TABLE**

Rep. Flora moved that **HB 171-FN**, an act abolishing the death penalty, be laid on the table. On a division vote, 169 members having voted in the affirmative and 199 in the negative, the motion failed.

The question now being Inexpedient to Legislate.

Adopted.

**INDEFINITE POSTPONEMENT**

Rep. Dickinson moved that **HB 171-FN**, an act abolishing the death penalty, be indefinitely postponed.

On a division vote, 212 members having voted in the affirmative and 155 in the negative, the bill was indefinitely postponed.

**SPECIAL ORDERS**

**HB 290-FN-L**, relative to eliminating adequate education grant weighting for free and reduced-price meals and relative to modifying the formula for weighting certain home scheduled pupils.

**MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles B. Yeaton for the Majority of Education: This bill would eliminate weighting, which provides additional funds for communities with large numbers of pupils, who apply for free and reduced meals. Testimony was given those children from low-income families demand more services in order for them to receive an adequate education. Therefore, the committee determined that such a measure would work a considerable hardship on communities with a high proportion of low-income pupils. Vote 11-7.

Rep. P. Judith Sullivan for the Minority of Education: The minority of the Education Committee believes that the current education grant weighting for free and reduced meals does not accurately target the additional funds to those schools and programs that are truly in need of them. The minority also believes that home-schooled students who do not attend their local school should not be given the same weight as those students who do attend.

Rep. Weyler spoke against.

The majority report was adopted.

### **HB 298-FN-L, relative to charter schools. OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Alger for Education: This bill authorizes creation of two charter schools annually, chartered directly by the State Board of Education. Students entering the charter school will be funded for two years from a revolving loan fund established at the Department of Education, thereafter from the Education Trust Fund. The revolving loan fund is required because average daily membership in residence is reported two years in arrears. The revolving fund is reimbursed in the third year from the Education Trust Fund. Vote 10-4

#### **Amendment (0351h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to charter schools and establishing a charter school revolving fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Charter Schools and Open Enrollment Schools; Alternative Procedure for Approval of Charter Schools. Amend RSA 194-B by inserting after section 3 the following new section:

194-B:3-a Charter School Approval by State Board of Education.

I. Notwithstanding RSA 194-B:3, III or RSA 194-B:4, a proposed application and contract to establish a charter school may be presented by July 1 of the year preceding intended operation of a charter school by its prospective board of trustees directly to the state board of education. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II. An applicant shall be notified of any missing information within 10 days of the initial filing.

II. The state board of education is hereby authorized to grant charter status to charter school applicants qualifying under this chapter. By September 15 of the given year, the state board of education shall have completed its review of the application and shall either grant or deny its approval in accordance with the requirements set forth in RSA 194-B:3, II.

III. The state board of education shall forward the proposed application, along with its approval or denial, and a written statement specifying any areas deemed deficient to the applicant. The state board of education is authorized to suggest amendments or alterations to the proposed application.

IV. An applicant whose proposed application is not approved by the state board of education shall be granted the opportunity to present a revised application for reconsideration. The state board of education may provide technical assistance to improve a charter school's application or to speed the approval process.

V. A charter school approved in accordance with this section shall be subject to, and in compliance with, the provisions of this chapter, except as provided in paragraph I.

VI. Beginning January 1, 2002, and for the next 10 years thereafter, the state board of education shall be authorized to grant no more than 2 state charter school applications each year under the provisions of this section.

2 Charter Schools and Open Enrollment Schools; Funding Amended. Amend RSA 194-B:11, I is repealed and reenacted to read as follows:

I.(a) There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in and approved by a pupil's resident school district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district.

(b) For any pupil enrolled in a charter school or open enrollment school pursuant to this chapter, the pupil's resident district shall notify the department of education of the pupil's enrollment. Adequate education grant amounts made under RSA 198:40 and 198:41 shall be paid to the pupil's resident school district from the date of the pupil's enrollment in a charter school or open enrollment school until such time as the pupil is deemed by the department of education to be counted in the average daily membership in residence in the charter school or open enrollment

school. At such time as a pupil enrolled in a charter school or open enrollment school is counted in the average daily membership in residence of the charter school or open enrollment school, adequate education grant payments shall be made directly to the charter school or open enrollment school.

(c) A charter school or open enrollment school may request funds from the charter school revolving fund established in RSA 194-B:11-a for the purpose of covering the tuition costs of those pupils enrolled in a charter school or open enrollment school for the period of time such pupils continue to be counted in the average daily membership in residence of the pupil's resident school district. At such time as a pupil enrolled in a charter school or open enrollment school is counted in the average daily membership in residence of the charter school or open enrollment school and the charter school or open enrollment school is receiving adequate education grant payments, the charter school or open enrollment school shall reimburse the charter school revolving fund for any amounts received. The department of education shall maintain an accounting of all moneys disbursed from the charter school revolving fund.

(d) The adequate education grant amounts shall be equal to the per pupil adequate education cost as determined under RSA 198:40 and 198:41. Such amounts shall be prorated on a per diem basis for pupils attending a charter school or open enrollment school for less than a full school year. To the extent permitted by law, funding for a pupil attending charter or open enrollment school shall be paid on the same time schedule as the resident district, or on such other terms as the school and the funding source may find mutually acceptable.

3 New Section; Charter and Open Enrollment School; Charter School Fund Established. Amend RSA 194-B by inserting after section 11 the following new section:

194-B:11-a Charter School Revolving Fund Established. There is hereby established the charter school revolving fund to be administered by the department of education. Moneys in the fund shall be non lapsing and shall be used exclusively for the purpose of funding the tuition payments of pupils enrolled in a charter school or open enrollment school for the period of time during which a pupil enrolled in a charter or open enrollment school continues to be counted in the average daily membership in residence of the pupil's resident school district.

3 Appropriation. There is hereby appropriated the sum of \$250,000 for the fiscal year ending June 30, 2002, to the charter school revolving fund established in RSA 194-B:11-a for the purposes established in section 3 of this act The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take place 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a charter school revolving fund in the amount of \$250,000 for the purpose of providing tuition payments for pupils enrolled in a charter school or open enrollment school for the period of time during which such pupil continues to be counted in the average daily membership in residence of the pupil's resident school district. The bill also provides that once a pupil enrolled in a charter school or open enrollment school is counted in the average daily membership in residence of the charter school or open enrollment school, all adequate education payments shall be made directly to the charter school or open enrollment school.

Adopted.  
Rep. Claire Clarke spoke against.  
Rep. Dearborn spoke in favor.  
Rep. Estabrook spoke against and yielded to questions.  
Reps. Alger and Henderson spoke in favor and yielded to questions.  
Rep. Henderson requested a roll call; sufficiently seconded.  
The question being adoption of the committee report.

YEAS 215 NAYS 145

YEAS 215  
BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Johnson, William	Lawton, David	Pilliod, James	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Wendelboe, Fran	



**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Roberts, William

Dexter, Judson  
Hunt, John  
Royce, H Charles

Edwards, Dana  
Manning, Joseph  
Smith, Edwin

Emerson, Susan  
Meader, David

**COOS**

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Rozek, Michael

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Gilman, G Michael  
Scanlan, David

Alger, John  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Barker, Robert  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Cobb, John  
Gabler, William  
Mirski, Paul  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Christensen, D L Chris  
Daigle, Robert  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Greenberg, Gary  
Herman, Keith  
Kurk, Neal  
Lefebvre, Roland  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tahir, Saghir  
Wheeler, Robert

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Dokmo, Cynthia  
Fletcher, Richard  
Golding, William  
Guinta, Frank  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Tate, Joan  
White, Donald

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Clegg, Robert Jr  
Dyer, Merton  
Flora, Kathleen  
Gonzalez, Carlos  
Haley, Robert  
Hopper, Gary  
LaFlamme, Paul  
Martin, Mary Ellen  
Milligan, Robert  
Reeves, Sandra  
Seibel, Christopher  
Thompson, Rob

Artz, Lawrence  
Bergin, Peter  
Calawa, Leon Jr  
Coughlin, Pamela  
Elliott, Larry  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Leach, Edward  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Souza, Kathleen  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
L'Heureux, Stephen  
Maxfield, Roy  
Whalley, Michael

Colcord, J D  
Hess, David  
Langer, Ray  
Rodd, Beth  
Winter, Steven

Dunne, Christopher  
Hutchinson, John  
Leber, William  
Soltani, Tony

Feuerstein, Martin  
Kennedy, Richard  
MacKay, James  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Langley, Jane

Belanger, Ronald  
Camm, Kevin  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert

Bishop, Franklin  
Carson, Sharon  
Cox, Russell  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, Jane  
Major, Norman

Bowles, Raimond  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy

Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Stritch, C Donald  
Whittier, John

Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Sapareto, Frank  
Varrell, Thomas  
Woekel, Ralph

Packard, Sherman  
Putnam, Ed II  
Rausch, James  
Sloan, Stephen  
Welch, David  
Zolla, William

Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Dunlap, Patricia  
Lachance, Douglas  
Taylor, Kathleen

Berube, Roger  
Goodwin, Earle  
Pelletier, Arthur  
Tsiros, William

Bickford, David  
Harrington, Michael  
Reid, Christopher  
Twombly, James

Cossette, Larry  
Kaen, Naida  
Snyder, Clair  
Woods, Phyllis

### SULLIVAN

Odell, Bob

Rodeschin, Beverly

### NAYS 145

### BELKNAP

Dewhirst, Glenn

Millham, Alida

Salatiello, Thomas

Wood, Jane

### CARROLL

Quimby, Lee

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Russell, Ronald

Batchelder, Robert  
Mitchell, McKim  
Weed, Charles

Burnham, Daniel  
Pratt, John  
Zerba, Roger

Espiefs, Peter  
Richardson, Barbara

### COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Ham, Bonnie  
Pawlek, Marion  
Williams, Burton

Lovett, Sid  
Scovner, Nancy

### HILLSBOROUGH

Andosca, Mary  
Bragdon, Peter  
Clayton, William  
Dionne, Kimberley  
Dwyer, Paul  
Goley, Jeffrey  
Johnson, Lionel  
Lasky, Bette  
Melcher, Harold  
Palangas, Eric  
Spiess, Paul

Balcom, John  
Buckley, Raymond  
Cote, David  
Drabinowicz, A Theresa  
Eaton, Richard  
Gorman, Mary  
Kacavas, John  
Leishman, Peter  
Messier, Irene  
Panagopoulos, Nicholas  
Sweeney, Cynthia

Baroody, Benjamin  
Cardin, Lori  
Cote, Peter  
Drisko, Richard  
Ford, Nancy  
Graham, John  
Konys, Christine  
Lynde, Harold  
Movsesian, Lori  
Peterson, Andrew  
Vaillancourt, Steve

Bellavance, Paul  
Carlson, Donald  
Craig, James  
Duval, Jeffrey  
Foster, Linda  
Jean, Claudette  
LaRose, Richard  
McDonough-Wallace, Alice  
O'Connell, Timothy  
Shaw, Barbara  
White, John

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Gile, Mary  
Owen, Derek  
Reardon, Tara  
Yeaton, Charles

Brewster, Richard  
Davis, Frank  
Jacobson, Alf  
Perkins, Randy  
Rush, Deanna

Clarke, Claire  
Fraser, Marilyn  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria

Cummings, Raymond  
French, Barbara  
Moore, Carol  
Poulin, David  
Whittemore, James

**ROCKINGHAM**

Blanchard, MaryAnn	Case, Margaret	Coes, Betsy	Cooney, Richard
Downing, Michael	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Kelley, William	Langone, John	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

**STRAFFORD**

Callaghan, Frank	DeChane, Marlene	Estabrook, Iris	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
Lent, Donald	McCarthy, Gerald	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Spang, Judith	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

and the report was adopted.

Referred to Finance.

**HB 515-FN-L**, establishing parental choice scholarships. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R. Alger for the Majority of Education: This bill creates opportunity for lower income parents to receive 80% of the adequate education grant amount for use in either a public or non-public (non-sanctioned) school, of the parents' choice, if the public school to which the child has been assigned has average scores in the bottom half on a statewide basis on the state assessment tests for two years preceding the parent's initial application for a scholarship. Twenty percent of the grant remains with the public schools to which the child was previously assigned, even though the child is no longer in attendance. Vote 8-7.

Rep. Charles B. Yeaton for the Minority of Education: The minority of the committee opposed this bill because of 1) lack of available private schools, especially in the North Country 2) insufficient funds for parents with low incomes 3) ability of private schools to reject any student they do not wish accept 4) money taken from local public schools for scholarships for parents.

Reps. Brewster and John White spoke against.

Rep. Henderson spoke in favor.

Rep. Yeaton spoke against and yielded to questions.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

**YEAS 182 NAYS 173****YEAS 182****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Flanders, Donald	Lawton, David
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

**CARROLL**

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	Sullivan, P Judith

**CHESHIRE**

Avery, Stephen	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Manning, Joseph	Roberts, William	Royce, H Charles	Smith, Edwin

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
Tholl, John Jr	Woodward, David		

# GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Scanlan, David	Sova, Charles	Teschner, Douglass
Ward, Brien			

# HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard
Flora, Kathleen	Furman, Christine	Gargasz, Carolyn	Golding, William
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	Lefebvre, Roland
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Seibel, Christopher	Souza, Kathleen	Spiess, Paul	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Wheeler, Robert
White, Donald			

# MERRIMACK

Anderson, Eric	Colcord, J D	Fraser, Leo Jr	Hager, Elizabeth
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Maxfield, Roy
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

# ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Flanagan, Natalie	Flanders, John Sr
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Henderson, Warren	Hill, Jonathan	Introne, Robert
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rabideau, Marie	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		

# STRAFFORD

Albert, Russell	Lachance, Douglas	McCarthy, Gerald	Tsiros, William
Twombly, James	Woods, Phyllis		

# SULLIVAN

Odell, Bob	Robb, Amy	Rodeschin, Beverly
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# NAYS 173

# BELKNAP

Czech, Stanley	Holbrook, Robert	Johnson, William	Willham, Alida
Salatiello, Thomas	Wood, Jane		



**CARROLL**

Quimby, Lee

**CHESHIRE**

Allen, Peter  
 Edwards, Dana  
 Mitchell, McKim  
 Weed, Charles

Batchelder, Robert  
 Espieffs, Peter  
 Pratt, John  
 Zerba, Roger

Burnham, Daniel  
 McGuirk, Paul  
 Richardson, Barbara

Dexter, Judson  
 Meader, David  
 Russell, Ronald

**COOS**

Bradley, Paula  
 Stohl, Eric

Davis, Perley

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
 Marshall, Gene  
 Pawlek, Marion  
 Williams, Burton

Benn, Bernard  
 Mirski, Paul  
 Scovner, Nancy

Cooney, Mary  
 Naro, Debra  
 Sokol, Hilda

Lovett, Sid  
 Nordgren, Sharon  
 Solow, Martha

**HILLSBOROUGH**

Andosca, Mary  
 Bergin, Peter  
 Carlson, Donald  
 Daigle, Robert  
 Dwyer, Paul  
 Ginsburg, Ruth  
 Hall, Betty  
 Kacavas, John  
 Leach, Edward  
 O'Connell, Timothy  
 Shaw, Barbara

Balcom, John  
 Bragdon, Peter  
 Cote, David  
 Dokmo, Cynthia  
 Eaton, Richard  
 Goley, Jeffrey  
 Holden, Randolph  
 Konys, Christine  
 Lynde, Harold  
 Palangas, Eric  
 Sweeney, Cynthia

Baroody, Benjamin  
 Buckley, Raymond  
 Cote, Peter  
 Drabinowicz, A Theresa  
 Ford, Nancy  
 Gorman, Mary  
 Jean, Claudette  
 LaRose, Richard  
 Melcher, Harold  
 Panagopoulos, Nicholas  
 Vaillancourt, Steve

Bellavance, Paul  
 Cardin, Lori  
 Craig, James  
 Drisko, Richard  
 Foster, Linda  
 Haley, Robert  
 Johnson, Lionel  
 Lasky, Bette  
 Movsesian, Lori  
 Peterson, Andrew  
 White, John

**MERRIMACK**

Bouchard, Candace  
 Daneault, Gabriel  
 French, Barbara  
 Moore, Carol  
 Poulin, David  
 Seldin, Gloria

Brewster, Richard  
 Davis, Frank  
 Gile, Mary  
 Owen, Derek  
 Reardon, Tara  
 Whittemore, James

Clarke, Claire  
 Feuerstein, Martin  
 Jacobson, Alf  
 Perkins, Randy  
 Rodd, Beth  
 Yeaton, Charles

Cummings, Raymond  
 Fraser, Marilyn  
 Lockwood, Priscilla  
 Potter, Frances  
 Rush, Deanna

**ROCKINGHAM**

Blanchard, MaryAnn  
 Cooney, Richard  
 Hamel, Albert  
 Kane, Cecelia  
 Langone, John  
 O'Keefe, Patricia  
 Robertson, Carl  
 Weatherspoon, Jacquelyne

Bowles, Raimond  
 Downing, Michael  
 Holland, James Jr  
 Kelley, Jane  
 McGuire, Robert  
 Pantelakos, Laura  
 Shultis, Elizabeth

Case, Margaret  
 Fesh, Bob  
 Hutchinson, Karen  
 Kelley, William  
 Micklon, Stephanie  
 Pitts, Jacqueline  
 Splaine, James

Coes, Betsy  
 Francoeur, Sheila  
 Johnson, Robert  
 Kobel, Rudolph  
 Norelli, Terie  
 Rausch, James  
 Trueman, Raymond

**STRAFFORD**

Berube, Roger  
 DeChane, Marlene  
 Goodwin, Earle  
 Hughes, Christopher  
 Lent, Donald  
 Reid, Christopher  
 Taylor, Kathleen

Bickford, David  
 Dunlap, Patricia  
 Grassie, Anne  
 Johnson, Nancy  
 Pelletier, Arthur  
 Rollo, Michael  
 Wall, Janet

Callaghan, Frank  
 Estabrook, Iris  
 Harrington, Michael  
 Kaen, Naida  
 Pelletier, Marsha  
 Smith, Marjorie  
 Woodill, Rodney

Cossette, Larry  
 Gilmore, Gary  
 Heon, Richard  
 Knowles, William  
 Proulx, Raymond  
 Snyder, Clair

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	

and the majority report was adopted.  
 Referred to Finance.  
 Rep. Robb voted aye and intended to vote nay.

**HB 629-FN-A**, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Clair A. Snyder for Education: This bill establishes a fund to upgrade and improve equipment and purchase new equipment for the regional vocational schools. The items needed to train these high school students are generally big-ticket items and are beyond the ability of the district to fund. Some of these schools go back to the 70's and we need to train these students on state-of-the-art materials to meet the requirements of future employers. Vote 18-0.

**Amendment (0354h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Regional Vocational Education; Equipment and Instruction Program Revolving Fund; Criteria Established. Amend RSA 188-E:11, I to read as follows:

I.(a) There is established an equipment and instruction program in which any regional vocational center may establish a revolving fund to be used for capital improvement costs for the replacement or upgrading of equipment, or for aiding instruction in the various vocational programs offered by the center. The fund shall be used to pay necessary costs of equipment *replacement or upgrades* and ~~related~~ *for providing* instructional materials which are required to provide up-to-date adult, business and industry training, re-training or customized programs.

(b) *The commissioner of the department of education shall distribute funds from this program according to the following criteria including but not limited to:*

- (1) *The age of the regional vocational education center with priority of funds given to older centers.*
- (2) *The size of the population served by the regional vocational education center.*
- (3) *The priority of need demonstrated by the regional vocational education center.*

2 Appropriation; Regional Vocational Education Centers. The sum of \$1,300,000 for the fiscal year ending June 30, 2002, and the sum of \$1,300,000 for the fiscal year ending June 30, 2003 are hereby appropriated to the equipment and instruction program established in RSA 188-E:11 to be used solely for the purposes set forth therein. Appropriations to this program shall be non-lapsing and any amounts not used in the first fiscal year shall carry forward into the following fiscal year and shall be in addition to any other appropriations made; provided that no regional vocational education center may receive more than \$200,000 during the biennium. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 2001.

AMENDED ANALYSIS

This bill makes an appropriation of \$2,600,000 for the biennium ending June 30, 2003 to the department of education to the regional vocational education centers for equipment upgrades, improvements, or purchases according to the criteria set forth in the equipment and instruction program revolving fund.

Adopted.  
 Rep. Harrington spoke against.  
 Rep. Henderson spoke in favor and yielded to questions.  
 Report adopted.  
 Referred to Finance.

**HB 656-FN-L**, relative to the formula for distributing school building aid grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Alger for Education: This bill offers a targeted building aid option based on the average of median family income and equalized valuation of a community. In addition, the current law

formula of aid, independent of income or valuation is retained so that a choice of this proposed option or current law is allowed. In this way, anticipated aid under current law is retained while offering a "targeted aid" option for less wealthy towns. While the adequacy commission may eventually develop another formula for building aid, the committee felt it is important after three years of study to have a formula on targeted building aid in law. Vote 14-4.

#### Amendment (0310h)

Amend RSA 198:15-a as inserted by section 2 of the bill by replacing it with the following:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, the state board of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision *or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects.*

Amend RSA 198:15-v, III as inserted by section 3 of the bill by replacing it with the following:

III. A cooperative school district or area school's grant amount shall be determined by calculating the percentage of the average daily membership in residence represented by each municipality within the cooperative school district and multiplying this percentage by each municipality's percentage of annual building aid awarded under subparagraph I(b) of this section. The resulting product shall be multiplied by the projected cost of the building project. The sum of the individual municipality's entitlement of annual building aid shall be the annual grant for the cooperative school district.

Amend the bill by replacing section 4 with the following:

4 Applicability. The provisions of sections 1-3 of this act shall apply to the total of approved costs of construction of school buildings for which loans are approved as of July 1, 2003 and thereafter.

#### AMENDED ANALYSIS

This bill creates an optional school building aid grant formula which shall be available to school districts beginning in the 2003-2004 school year.

Adopted.

Report adopted.

Referred to Finance.

#### HB 747-FN-L, relative to increases in the cost of an adequate education. OUGHT TO PASS WITH AMENDMENT

Rep. Brien L. Ward for Education: The majority of the committee supported this amended bill to prospectively use a two (2) year average of the implicit price deflator calculated by the Bureau of Economic Analysis, United States Department of Commerce to determine the revised cost of an adequate education for each biennium. The amount each school district shall receive will be revised to reflect changes in the average daily membership (ADM) of the state's school districts. This bill will also allow the state to budget adequacy grants for a biennium and insure our school districts that a set amount of aid can be incorporated into their budget on a yearly basis. Vote 10-9.

#### Amendment (0358h)

Amend RSA 198:40, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The per pupil cost of an adequate education as calculated in a given biennium shall be equal in each year of such biennium.

#### AMENDED ANALYSIS

This bill:

I. Makes changes to the formula for calculating adequate education grants by using 3 years of statewide assessment program results administered in the third and sixth grades.

II. Provides that for each fiscal year the statewide cost of an adequate education for all pupils shall be adjusted by the 3-year average change in the implicit price deflator as calculated by the Bureau of Economic Analysis, United States Department of Commerce.

III. Provides that the per pupil cost of an adequate education shall be equal in each year of such biennium.

IV. Repeals the January 2, 2003 repeal of the education property tax and the calculation of adequate education grant amounts, and the July 1, 2003 repeal of the education property tax hardship relief provisions.

The question being the adoption of the committee amendment.

Reps. Jacobson and Spiess spoke against.

Rep. Bowles spoke against and yielded to questions.

Reps. Hess and Woelke spoke in favor and yielded to questions.

**LAI D ON THE TABLE**

Rep. Langley moved that *HB 747-FN-L*, relative to increases in the cost of an adequate education, be laid on the table.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being the motion to lay upon the table.

**YEAS 190 NAYS 166**

**YEAS 190**

**BELKNAP**

Dewhirst, Glenn	Johnson, William	Millham, Alida	Pilliod, James
Rice, Thomas Jr	Salatiello, Thomas	Wood, Jane	

**CARROLL**

Babson, David Jr	Dickinson, Howard	Philbrick, Donald	Quimby, Lee
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Williams, Burton	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Artz, Lawrence	Balcom, John
Baroody, Benjamin	Bellavance, Paul	Bergin, Peter	Buckley, Raymond
Cardin, Lori	Clayton, William	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Eaton, Richard
Flora, Kathleen	Ford, Nancy	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Konys, Christine	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Lynde, Harold	Martin, Mary Ellen	Melcher, Harold
Milligan, Robert	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Rowe, Robert
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Vaillancourt, Steve	White, John		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr



Fraser, Marilyn  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Yeaton, Charles

French, Barbara  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna

Gile, Mary  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Whittemore, James

### ROCKINGHAM

Blanchard, MaryAnn  
Cooney, Richard  
Dodge, Robert  
Johnson, Robert  
Langley, Jane  
Norelli, Terie  
Priestley, Anne  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Cox, Russell  
Downing, Michael  
Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Robertson, Carl  
Sloan, Stephen  
Whittier, John

Case, Margaret  
Dearborn, Bruce  
Giordano, Ronald  
Kelley, Jane  
McGuire, Robert  
Pantelakos, Laura  
Saia, Pamela  
Splaine, James  
Woekel, Ralph

Coes, Betsy  
DiFruscia, Anthony  
Hutchinson, Karen  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Sapareto, Frank  
Trueman, Raymond

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Bickford, David  
Estabrook, Iris  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Snyder, Judith

Callaghan, Frank  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

### NAYS 166

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Thomas, John

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Czech, Stanley  
Rosen, Ralph

Holbrook, Robert  
Russell, David

### CARROLL

Bradley, Jeb  
Sullivan, P Judith

Mock, Henry

Patten, Betsey

Stevens, Stanley

### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Smith, Edwin

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

### COOS

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Rozek, Michael

### GRAFTON

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David

### HILLSBOROUGH

Alukonis, David  
Bergeron, Jean-Guy

Arnold, Thomas Jr  
Bouchard, David

Balboni, Michael  
Bragdon, Peter

Batula, Peter  
Brundige, Robert

Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	McHugh, Claire	McRae, Karen	Mercer, Robert
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Wheeler, Robert	White, Donald

**MERRIMACK**

Anderson, Eric	Cummings, Raymond	Hess, David	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
MacKay, James	Poulin, David	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Corbin, Corey
Dalrymple, Janeen	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Letourneau, Robert	Major, Norman	McKinney, Betsy	Morse, Charles
Nowe, Ronald	Packard, Sherman	Palermo, Diane	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rabideau, Marie
Rausch, James	Ruffner, Walter	Stone, Joseph	Sritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Zolla, William

**STRAFFORD**

Albert, Russell	Cossette, Larry	Harrington, Michael	Lachance, Douglas
Reid, Christopher	Tsiros, William	Twombly, James	Woods, Phyllis

**SULLIVAN**

Odell, Bob                      Rodeschin, Beverly  
and the motion to lay on the table was adopted.

**HB 748-FN-A-L**, relative to school building aid grants in the determination of adequate education grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: The bill as amended, modifies the weight given for pupils who are eligible to receive a free or reduced meal in the education adequacy distribution formula, school districts whose eligible enrollment is over 25% shall receive an additional weight per pupil of .33. This bill is consistent with the recommendation of the MAP report to the Adequacy Commission, except that it also gives additional aid to districts who have between 15% to 24% enrollment of pupils who are eligible to receive free or reduced meals. This bill also insures through a "Hold Harmless" provision, that no school district shall receive a decrease in their current education adequate grant as a result of this formula revision. The committee vote of 14-2 in favor of this amended bill reflected bipartisan support. Vote 14-2.

The question being adoption of the committee amendment.

Rep. Hess spoke against.

The committee amendment failed.

Rep. Hess offered a floor amendment (0644h).

**Floor Amendment (0655h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the distribution of aid to pupils eligible for free or reduced-price meals.

Amend the bill by replacing all after the enacting clause with the following:

1 School Money; Definition of Weighted Pupil Amended. RSA 198:38, VII (d) is repealed and reenacted to read as follows:

(d) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality's elementary average daily membership in residence by the fraction of the pupils from each school in the school district eligible to receive a free or reduced-price meal multiplied by:

(1) If less than 15 percent of a school's pupils are eligible to receive a free or reduced-price meal, zero.

(2) For those pupils representing between 15 percent and 19 percent of each school's enrollment who are eligible to receive a free or reduced-price meal, 0.11.

(3) For those pupils representing between 20 percent and 24 percent of each school's enrollment who are eligible to receive a free or reduced-price meal, 0.22.

(4) For those pupils representing 25 percent or more of each school's enrollment who are eligible to receive a free or reduced-price meal, 0.33.

Nothing in this subparagraph shall result in a decrease in the adequate education grant amount calculated and distributed under RSA 198:40 and 198:41 to a municipality in the fiscal year ending June 30, 2002. Nothing in this subparagraph shall result in a decrease in the adequate education grant amount calculated and distributed under RSA 198:40 and 198:41 to a municipality in any fiscal year after June 30, 2002.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill amends the formula for weighted pupils based on eligibility to receive a free or reduced-price lunch based on the percentage of pupils in each school who are eligible to receive a free or reduced-price meal.

Rep. Estabrook spoke against and yielded to questions.

Rep. John White spoke against.

Reps. Hess and Ward spoke in favor.

### MOTION TO LAY ON THE TABLE

Rep. Nordgren moved that *HB 748-FN-A-L*, relative to school building aid grants in the determination of adequate education grants, be laid upon the table.

Rep. Zolla requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay on the table.

### YEAS 172 NAYS 187

#### YEAS 172

#### BELKNAP

Dewhirst, Glenn  
Rice, Thomas Jr

Johnson, William  
Rosen, Ralph

Millham, Alida  
Salatiello, Thomas

Pilliod, James  
Wood, Jane

#### CARROLL

Quimby, Lee

#### CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meader, David  
Russell, Ronald

Espieffs, Peter  
Mitchell, McKim  
Weed, Charles

#### COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Teschner, Douglass	Williams, Burton

**HILLSBOROUGH**

Andosca, Mary	Artz, Lawrence	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Buckley, Raymond	Cardin, Lori	Clayton, William
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Eaton, Richard	Flora, Kathleen	Foster, Linda
Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Kony, Christine	LaFlamme, Paul
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	Melcher, Harold	Movsesian, Lori
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Rowe, Robert
Seibel, Christopher	Shaw, Barbara	Spieess, Paul	Sweeney, Cynthia
Vaillancourt, Steve	White, John		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Daneault, Gabriel
Davis, Frank	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Maxfield, Roy	Moore, Carol	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Case, Margaret	Coes, Betsy	Cooney, Richard
DiFruscia, Anthony	Downing, Michael	Hutchinson, Karen	Kane, Cecelia
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John

**STRAFFORD**

Berube, Roger	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	McCarthy, Gerald	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Tsiros, William
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

**NAYS 187****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Russell, David
Thomas, John	Wendelboe, Fran		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			



**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Smith, Edwin

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

**COOS**

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Rozek, Michael

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Barker, Robert  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Emerton, Lawrence Sr  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard  
Milligan, Robert  
Peterson, Andrew  
Souza, Kathleen  
Thulander, O Alan

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Christensen, D L Chris  
Dionne, Kimberley  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Tahir, Saghir  
Wheeler, Robert

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Dyer, Merton  
Ford, Nancy  
Graham, John  
Herman, Keith  
Kurk, Neal  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
White, Donald

Balboni, Michael  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Elliott, Larry  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob

**MERRIMACK**

Anderson, Eric  
Hess, David  
Langer, Ray  
Whalley, Michael

Colcord, J D  
Hutchinson, John  
Leber, William  
Winter, Steven

Cummings, Raymond  
Kennedy, Richard  
MacKay, James

Fraser, Leo Jr  
L'Heureux, Stephen  
Poulin, David

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
McKinney, Betsy  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

Belanger, Ronald  
Carson, Sharon  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kelley, William  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Stritch, C Donald  
Woekel, Ralph

Bowles, Raimond  
Chalbeck, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Rausch, James  
Sloan, Stephen  
Welch, David

**STRAFFORD**

Albert, Russell  
Lachance, Douglas

Bickford, David  
Reid, Christopher

Cossette, Larry  
Twombly, James

Harrington, Michael  
Woods, Phyllis

**SULLIVAN**

Odell, Bob  
and the motion failed.

The question before the adoption of the floor amendment (0655h).  
Rep. McGuirk requested a roll call; sufficiently seconded.

**YEAS 201 NAYS 158****YEAS 201****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Russell, David	Thomas, John	Wendelboe, Fran	

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin			

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard	Ford, Nancy
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Leach, Edward
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Seibel, Christopher	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Wheeler, Robert	White, Donald

**MERRIMACK**

Anderson, Eric	Colcord, J D	Cummings, Raymond	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Maxfield, Roy
Poulin, David	Whalley, Michael	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dodge, Robert	Dowling, Patricia	Downing, Michael	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rabideau, Marie
Rausch, James	Ruffner, Walter	Saia, Pamela	Scapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Lachance, Douglas	Reid, Christopher	Twombly, James	Woods, Phyllis

**SULLIVAN**

Odell, Bob	Rodeschin, Beverly
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**NAYS 158****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Rice, Thomas Jr
Rosen, Ralph	Salatiello, Thomas	Wood, Jane	

**CARROLL**

Quimby, Lee

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha		

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Cardin, Lori	Clayton, William	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Eaton, Richard	Flora, Kathleen	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Konys, Christine	Lasky, Bette	Lefebvre, Roland

Leishman, Peter  
Movsesian, Lori  
Shaw, Barbara  
White, John

Lynde, Harold  
O'Connell, Timothy  
Spiess, Paul

Martin, Mary Ellen  
Palangas, Eric  
Sweeney, Cynthia

Melcher, Harold  
Panagopoulos, Nicholas  
Vaillancourt, Steve

### MERRIMACK

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Moore, Carol  
Rodd, Beth  
Yeaton, Charles

Brewster, Richard  
Feuerstein, Martin  
Hager, Elizabeth  
Perkins, Randy  
Rush, Deanna

Clarke, Claire  
Fraser, Marilyn  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria

Daneault, Gabriel  
French, Barbara  
Lockwood, Priscilla  
Reardon, Tara  
Whittemore, James

### ROCKINGHAM

Blanchard, MaryAnn  
DiFruscia, Anthony  
Micklon, Stephanie  
Pitts, Jacqueline  
Trueman, Raymond

Case, Margaret  
Kane, Cecelia  
Norelli, Terie  
Robertson, Carl  
Weatherspoon, Jacquelyne

Coes, Betsy  
Langone, John  
O'Keefe, Patricia  
Shultis, Elizabeth  
Woekel, Ralph

Cooney, Richard  
McGuire, Robert  
Pantelakos, Laura  
Splaine, James

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Spang, Judith  
Woodill, Rodney

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

and the floor amendment was adopted.

On a division vote, 203 members having voted in the affirmative and 156 in the negative, the report was adopted.

Referred to Finance.

### REGULAR CALENDAR (CONT'D)

**CACR 14**, relating to the election of the attorney general and the appointment of county attorneys. Providing that the attorney general shall be elected by the general court and county attorneys shall be nominated and appointed by the governor and executive council. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Election Law: This CACR would have the attorney general elected by the legislature. The committee felt that the election by the legislature would make the attorney general indebted to the legislators and it would overly politicize the position. Allowing the governor to make the appointment with approval of the executive councilors as it is presently done gives more options for changing the attorney general. The CACR would also have the governor appoint and the executive council approve all county attorneys. This would drastically change present practice and is unwarranted at this time. Vote 16-2.

Adopted.

**HB 633**, relative to the order of names on ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Natalie S. Flanagan for the Majority of Election Law: The committee felt that the random drawing by the secretary of state for the order of names on the ballot was not necessary. Although the sponsors' intent is laudable, it would add to the ballot confusion instead of the simple alphabetical order system we have presently. This bill will only affect elections in multi-seat legislative districts. Vote 13-6.



Rep. Steve Vaillancourt for the Minority of Election Law: The tri-partisan minority (that means that members of all three parties were included) believes this bill is a simple matter of fairness. Currently, names are placed on the ballot in alphabetical order. The bill would mandate the secretary of state to choose a letter at random the day prior to the filing for an election cycle. In other words, if "M" were chosen, names beginning with "M" would appear first on the ballot, then "N", etc. until we get to "L" which would be the 26th and last letter. National surveys have shown that placement on the ballot can provide an advantage of as much as five percent. The minority (whose names begin with letters ranging from B to K to V) believes that, although such placement would affect the outcome of only a few elections, fairness dictates that every effort be made to remove even such a small advantage. The random drawing provides fairness without any great amount of confusion or effort. The minority also wishes to stress that this bill does not alter the current system of all members of the Republican Party being listed first, then the Democratic Party, then any third party candidates. The randomization would be in effect for primaries as well as general elections and would be most applicable in multi-seat state representative districts such as Derry, Londonderry, Goffstown or other towns where many names appear in the same ballot slot. The majority report was adopted.

**HB 324-FN**, relative to the classification of certain service of correctional line personnel as group II service and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill is quite complex relative to the classification of certain service of correctional line personnel as group II service and making an appropriation therefor. In the past, a long state dispute over group I-group II status was finally resolved and this bill now asks that the state pay for the total buy-back for the affected personnel that were reassigned from group II to group I status over a period of several years. Due to the complexity for the situation, the legal questions involved and the fact that all administrative procedures in the courts have not been resolved, the committee felt that the bill was neither in the best interest of the employees involved or the state. The cost to resolve the situation is between \$1,000,000.00 and \$2,535,000.00 which would be paid from the general fund. Vote 11-3. Adopted.

**HB 746**, authorizing citizen suits to assure enforcement of New Hampshire's environmental statutes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert H. Rowe for the Majority of Judiciary: An overwhelming majority of the Judiciary Committee found this proposal of citizen lawsuits – initiated against their neighbors and communities – a dangerous proposition. The Legislature enacted most of our environmental laws with the assumption and expectation that the Department of Environmental Services, a state agency, with the Attorney General, would exercise significant DISCRETION in its enforcement of those laws. This proposal totally destroys that expectation of reasonableness. The majority believes that the role of enforcement should be the responsibility of the state agencies that administer the law and implement the rules. If DES is unable in its efforts (and some of us believe that it may be) it is the responsibility of the Legislature to take the necessary steps to correct the problems – not a citizen with the support of a well financed environmental action organization to do so. This bill would throw common sense out the window in dealing with our environmental issues – and in its place there would be unreasonable expense to citizens and businesses, posting of privately owned lands, delayed and/or prohibited lumbering operations, and certainly a clear sense that New Hampshire will no longer be the "Live Free or Die" state. Vote 16-1.

Rep. Peter S. Espieffs for the Minority of Judiciary: HB 746 gives a citizen the opportunity to bring an action where the Department of Environmental Services (DES) is indifferent to or unable to protect the public interest. The citizen's right to sue arises only after the DES has been notified and has failed to act within 60 days. If the citizen's lawsuit is deemed trivial, the court may assess attorneys' fees against the citizen. The bill is supported by the Attorney General of New Hampshire because enforcement of the environmental laws by the DES has been deficient. It is critical that the State's environmental laws be capable of enforcement by its citizens in order to support the authority and integrity of the State's environmental policy. The bill needs some technical fine-tuning, and ought to be referred to committee for further consideration.

The majority report was adopted.

**HB 25-FN-A, making appropriations for capital improvements. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Edwin O. Smith for the Majority of Public Works and Highways: The Committee worked very hard to get this Capital Budget to the final stage. The funding for capital projects for the University System was the major point of discussion. The majority and the minority agree that the total amount of the appropriation for renovations should be \$100 million. This would be one of the largest funding commitments ever made by the legislature. In fact, it is unprecedented in our capital budget history. The majority of the committee determined that it is in the best interest of the state and the entire capital budget process that the \$100 million commitment should actually be spread out over the next 3 bienniums (6 years) rather than appropriating the entire amount up front as the minority would like. As such the majority proposes to appropriate \$34 million for the biennium ending June 30, 2003, \$33 million for the biennium ending June 30, 2005, and \$33 million for the biennium ending June 30, 2007. The top priorities of the University are still addressed in the same order as the requests. This funding plan provides the type of accountability expected of all other state agencies for capital budget appropriations and spending while still providing the University with the money needed over time to meet its demonstrated need to renovate certain buildings. In addition to the University System portion, the committee looked at life safety issues. Many projects included in the budget were directed to protecting the public who visit our buildings regularly, and employees who serve the needs of government. We also looked seriously at the high school vocational education system, approving a major upgrade to a facility. The Community Technical College System received funding allowing them to expand some programs. We added an item for the Department of Cultural Resources to install a statewide catalog system for local libraries and their local citizens to use. In addition, we continued many ongoing programs for various state buildings, including completing the renovations of the state laboratory on Hazen Drive, a new court facility in Carroll County, and the learning center for the Community Technical College System at Stratham. All of these projects were more than \$1,000,000 each, and all from General Fund bonds. Vote 12-5.

Rep. John R. Cloutier for the Minority of Public Works and Highways: Overall, the capital budget included in this bill makes some worthwhile investments to improve our state’s infrastructure. But, the minority respectfully cannot support the bill in its present form as amended by the majority, because it fails to include a long-term six-year \$100 million plan of renovations to the University System’s academic buildings. Such a plan should help the System design and construct such buildings more efficiently, thus saving the taxpayers money in the long run. The majority’s plan of renovating the buildings piecemeal biennium by biennium for the next six years would not produce such savings in the minority’s opinion. Instead the minority supports an amendment which includes a long-term six-year \$100 million plan.

**Majority Amendment (0582h)**

Amend the bill by replacing all after the enacting clause with the following:

I Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.	
A. Armory Renovations - Statewide	\$ 400,000
B. Reroofing Plymouth and Franklin Armories and SMR building "F"	210,000
C. Army Aviation Support Facility Construction - Concord	30,600,000
Less Federal	- 30,600,000
Net state appropriation subparagraph C	0
D. NHSVC Administration Building	514,000
Less Federal	- 514,000
Net state appropriation subparagraph D	0
E. NHSVC Grave Locator and Public Restroom	94,000
Less Federal	- 94,000
Net state appropriation subparagraph E	0
F. NHSVC Columbarium Expansion	305,000
Less Federal	- 305,000
Net state appropriation subparagraph F	0

G. NHSVC Irrigation	141,000
Less Federal	- 141,000
Net state appropriation subparagraph G	0
H. NHSVC Foot Bridge	210,000
Less Federal	- 210,000
Net state appropriation subparagraph H	0
I. USPFO Addition and Renovation	4,036,700
Less Federal	- 4,036,700
Net state appropriation subparagraph I	0
J. NHNG Training Site Range-Center Strafford	2,280,800
Less Federal	- 2,280,800
Net state appropriation subparagraph J	0
Total state appropriation paragraph I	\$ 610,000
II. Administrative Services.	
A. Bureau of General Services.	
1. State Laboratory - Complete HVAC Repairs	\$ 8,552,200
2. E-911 Install Ventilation Unit	133,000
3. 6 Hazen Drive - Install Fire Suppression System	807,500
4. State Library - Install Fire Suppression System	310,000
5. State House Annex - Life Safety Code Improvements	106,500
6. State House Annex - Upgrade Elevators	198,000
7. 6 Hazen Drive - Replace State Laboratory Roof	160,000
8. State House - Upgrade Elevators	198,000
9. State House - Repoint Exterior Granite & Caulk Windows	205,000
10. State House - Dome	300,000
11. State House Annex - Mailroom Lift	93,500
12. Johnson Hall Renovations - State Office Park South	229,576
13. Storrs Street Garage - Parking Garage Repairs	513,000
Total state appropriation subparagraph A	\$ 11,806,276
B. Bureau of Court Facilities.	
1. Carroll County Courthouse Construction	\$ 6,250,000
2. Roof - Nashua	115,700
Total state appropriation subparagraph B	\$ 6,365,700
Total state appropriation paragraph II	\$ 18,171,976
III. Agriculture, Markets, and Food.	
A. NH Bldg. At Eastern States Exposition	\$ 200,000
Total state appropriation paragraph III	\$ 200,000
IV. Community-Technical College System.	
A. Learning Resource Center - Stratham	\$ 1,584,000
B. System Maintenance - Statewide	705,000
C. Machine Tool Lab - Nashua	350,000
D. New Academic Building - Laconia (Design)	700,000
E. Mezzanine Instruction Renovation - Manchester	739,850
F. Computer System Upgrades *	600,000
G. Computer System Upgrades - Claremont*	350,000
H. Mobile Equipment Center Design/Child Care - Berlin	250,000
I. Christa McAuliffe Planetarium - Alan B. Shepard Memorial Wing	100,000
Total state appropriation paragraph IV	\$ 5,378,850
V. Department Of Corrections.	
A. Upgrade Electronic Perimeter Fence Phase 2 - Concord	\$ 100,000
Total state appropriation paragraph V	\$ 100,000
VI. Department of Cultural Resources.	
A. Statewide Union Catalog Hardware*	\$ 225,000
Total state appropriation paragraph VI	\$ 225,000

## VII. Department Of Education.

A. Education Statistics System *	\$ 200,000
B. Grants Management *	650,000
Less Federal	- 500,000
Net state appropriation subparagraph B	150,000
C. Vocational Rehabilitation Case Management System *	170,000
Less Federal	- 140,000
Net state appropriation subparagraph C	30,000
D. Career Development System (Phase 2) *	227,500
Less Federal	- 98,000
Net state appropriation subparagraph D	129,500
E. Regional Vocational Center Renovation - Keene 4	500,000
Total state appropriation paragraph VII	\$ 5,009,500

## VIII. Department Of Environmental Services.

A. Drinking Water SRF Matching Funds	\$ 721,400
B. Wastewater SRF Matching Funds	5,361,274
Total state appropriation paragraph VIII	\$ 6,082,674

## IX. Department Of Health &amp; Human Services.

A. Patient Res. ADA & Fire Sys/Transitional Housing - State Office Park South	\$ 433,750
B. Asbestos Abatement - State Office Park South	996,250
C. Main Building - ADA, Fire/Life Safety Renovations	265,000
D. MOP Roof Replacement/Wiring, Phone, Alarm - Laconia	210,000
E. Laconia MR Offenders New Building	500,000
F. Patient Care Network *	700,000
G. LITS (Lab Information Tracking System) *	250,000
H. Bridges Enhancement *	\$ 3,000,000
Less Federal	- 1,500,000
Net state appropriation subparagraph H	1,500,000
I. DFA New Heights Enhancements *	3,100,000
Less Federal	- 1,550,000
Net state appropriation subparagraph I	1,550,000
Total state appropriation paragraph IX	\$ 6,405,000

## X. Liquor Commission.

A. Renovate Store #38 & Parking Lot - Portsmouth	\$ 685,000
B. Renovate Store #34 - Salem & New HVAC	593,000
Total state appropriation paragraph X	\$ 1,278,000

## XI. Department Of Resources and Economic Development.

A. Statewide Radio System	\$ 582,200
B. Exterior Repairs, Roofing - Statewide	200,000
C. Road Repairs/Parking Lot Maintenance - Statewide	200,000
D. Cannon Mt. Aerial Tram-Upgrade Drive & Control Sys.	995,000
Less Park Fund	- 995,000
Net state appropriation subparagraph D	0
Total state appropriation paragraph XI	\$ 982,200

## XII. Supreme Court.

A. Computer System Upgrade *	\$ 1,100,000
Total state appropriation paragraph XII	\$ 1,100,000

## XIII. Department Of Transportation.

A. 5-10 percent match for FAA Projects	\$ 2,800,000
B. Repair State Rail Lines	2,000,000
Less Federal	- 1,000,000
Net state appropriation subparagraph B	1,000,000



C. Public Transit Bus Replacement	1,000,000
Less Federal	- 800,000
Less Other	- 100,000
Net state appropriation subparagraph C	100,000
Total state appropriation paragraph XIII	\$ 3,900,000
XIV. Veterans Home.	
A. 100 Electric Beds	\$ 150,000
B. Parker Tubs	40,000
Total state appropriation paragraph XIV	\$ 190,000
XV. Youth Development Services.	
A. King Cottage Renovations - Const. YDS	\$ 415,000
B. ADA Compliance and Sprinkler/Fire Detection - Const.	500,000
Total state appropriation paragraph XV	\$ 915,000
Total state appropriation section 1	\$ 50,548,200

\* The bonds issued for these projects shall be 5 year bonds.

## 2 Appropriation; University System of New Hampshire.

I. The general court intends to appropriate a total of \$100,000,000 during the bienniums ending June 30, 2003, June 30, 2005, and June 30, 2007 to fund capital improvement projects at the university system of New Hampshire. The legislature intends to appropriate \$33,000,000 for the biennium ending June 30, 2005; and \$33,000,000 for the biennium ending June 30, 2007.

II. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Murkland Hall renovation	\$ 8,500,000
B. Mason Library renovation	\$ 4,600,000
C. Boyd Hall renovation and expansion	\$ 16,000,000
D. Kingsbury Hall design	\$ 3,000,000
E. NHPTV equipment	\$ 1,900,000
Total state appropriation section 2	\$ 34,000,000

III. Requests by the university system of New Hampshire submitted in the capital budget request in accordance with RSA 9 for the bienniums ending June 30, 2005 and June 30, 2007 shall specify which projects the university system intends to include in the \$33,000,000 to be appropriated for that biennium.

3 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Statewide Fish Hatchery Capital Improvement Study	\$ 200,000
Total state appropriation section 3	\$ 200,000

4 Appropriation; Department of Safety and Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department Of Safety.

A. Hayes Building Sprinkler System	\$ 424,500
B. Radio System – County Tie-in	1,000,000
Total state appropriation paragraph I	\$ 1,424,500

II. Department Of Transportation.

A. Security & Building Modifications - Traffic	\$ 626,000
B. Energy/Environmental Renovations/Replacements and Emergency Repairs - Statewide	1,000,000
C. Replacement of Shop Cranes - Mechanical Services - Statewide	407,000
D. New Garage & Testing Lab Facility	\$ 18,423,000
Less Other (Sale of existing garage)	- 4,000,000
Net state appropriation subparagraph D	14,423,000
Total state appropriation paragraph II	\$ 16,456,000
Total state appropriation section 4	\$ 17,880,500

5 Expenditures: General. The appropriation made for the purpose mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commis-

sioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees and subject to the provisions of section 13 of this act.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$102,628,700 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made from the fish and game fund.

(b) Section 4 shall be made from the highway fund.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted,

and final payment made, said balance or any part thereof may be transferred by governor and council, or for expenditures made pursuant to section 6 by the trustees of the university system, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

**12 Reduction of Appropriation and Bonding Authority.** If the net appropriation of state funds for any project provided for by sections 1, 3 and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

**13 Oversight and Reporting Required; University System.** The legislative budget assistant shall provide a report every 90 days to the governor and legislative capital budget overview committee on the progress of each of the capital projects funded from the sum appropriated and authorized in section 2 beginning September 30, 2001 until the funds appropriated in section 2 are fully expended. Said reports shall include the method of selecting contractors, the current total project cost, funds encumbered, actual expenditures, and estimated completion date for each project. The board of trustees of the university system of New Hampshire shall provide information necessary for the reports upon request of the legislative budget assistant.

**14 Appropriation; Office of the Legislative Budget Assistant.** The sum of \$50,000 for the biennium ending June 30, 2003, is hereby appropriated to the office of the legislative budget assistant for the purpose of preparing the reports required by section 13 of this act. This appropriation shall be in addition to any other sums appropriated to the office of the legislative budget assistant. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

**15 Information Technology Equipment and Software.** Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any budget bill enacted during the 2001 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

**16 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Addition to Student Center; Concord.**

I. The sum of \$1,500,00 is appropriated to the department of regional community-technical colleges for the purpose of the construction of an addition to the Dr. Goldie Crocker Wellness Center on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,500,00 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the technical institute private fund.

**17 Appropriation Purpose Amended; Department of Transportation; Salt Sheds; Exeter, Gonic, Moultonborough.** Amend 1999, 226:4, I, B to read as follows:

B. [~~Roof repair/Stickney Ave.~~] *Salt Sheds – Exeter Patrol Shed,  
Gonic, Moultonborough*

630,000

**18 Lapse Dates Extended to June 30, 2003.** The following appropriations are hereby extended to June 30, 2003.

I. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as amended by 1997, 349:29, and as extended by 1997, 349:34, XVII and 1999, 226:32, VIII, for preliminary design of expanded correctional facilities, including land acquisition, in accordance with federal crime bill grants.

II. The appropriation made to the department of corrections in 1998, 223:2, as extended by 1999, 226:32, XLII, for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.



III. The appropriation made to the department of corrections in 1999, 226:1, V, D, for a new halfway house.

IV. The appropriation made to the department of resources and economic development in 1997, 349:1, X, B, C, as extended by 1999, 226:32, XXXVI, for rocky bend seawall repairs and replacement of the Sunapee bathhouse.

V. The appropriation made to the department of resources and economic development in 1999, 226:1, XII, A, C, D, E, for ADA compliance for parks facilities, new toilet facilities – Hampton, septic gray water system – Mount Washington, and install power – Crawford Notch.

VI. The appropriation made to the department of administrative services in 1999, 226:I, II, A, 1, for Johnson Hall stair tower.

VII. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, as extended by 1997, 349:34, XI and 1999, 226:32, V, for health and human services building and laboratory HVAC renovations.

VIII. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 2, for state lab electrical wiring/panel replacement.

IX. The appropriation made to the department of administrative services in 1999, 226:I, II, A, 4, for health and human services flash and recoat stair tower.

X. The appropriation made to the department of administrative services in 2000, 283:2, for renovation to the Walker building.

XI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 3, as extended by 1999, 226:32, XIX, for roof repairs – Supreme Court.

XII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12, as extended by 1999, 226:32, XXII, for emergency repairs, contingency fund.

XIII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13, as extended by 1999, 226:32, XXIII, for the life safety, renovations – health and human services building.

XIV. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 8, for executive/legislative budget system.

XV. The appropriation made to the department of administrative services, bureau of court facilities in 1993, 359:1, II, B, 2, as extended by 1994, 171:1, 1996, 257:5 and 1998, 226:4, and as amended by 2000, 283:4, for the Plaistow district court.

XVI. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3, as amended by 1997, 349:34, XIV, and as extended by 1999, 226:32, VI, for the study and design of court facility on county donated land – Carroll County Superior Court.

XVII. The appropriation made to the department of administrative services in 1997, 349:1, II, C, 1, as extended by 1999, 226:32, XXV, for the bureau of court facilities Dover/Durham/Somersworth District Court.

XVIII. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 9, for information technology plan consultants.

XIX. The appropriation made to the department of safety in 1999, 226:4, II, A, as amended by 2000, 132:2, for design and construct troop D barracks/DMC training.

XX. The appropriation made to the department of safety in 1999, 226:4, II, D, for carpeting at 10 Hazen Drive, Concord

XXI. The appropriation made to the department of safety in 1999, 226:4, II, B, for paving and roof replacement at troop stations.

XXII. The appropriation made to the department of education in 1999, 226:1, VI, A, for computer applications expansion/replacement.

XXIII. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, 1997, 349:34, X and 1999, 226:32, IV, for land acquisition for navigation beacons.

XXIV. The appropriation made to the department of transportation in 1997, 349:1, XIV, A, as extended by 1999, 226:32, XXXVII, for 5-10 percent match FAA airport projects.

XXV. The appropriation made to the department of transportation in 1999, 226:1, XIII, A, for match for FAA projects.

XXVI. The appropriation made to the department of transportation in 1999, 226:1, XIII, B, for match for public transit bus replacement.



XXVII. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, for acquisition for railroad and airport properties.

XXVIII. The appropriation made to the department of transportation in 1999, 226:1, XIII, E, for compliance, governor's commission on disability.

XXIX. The appropriation made to the department of transportation in 1999, 226:4, I, E, for energy and environmental renovations-statewide.

XXX. The appropriation made to the department of transportation in 1999, 226:4, I, F, for Conway rest area.

XXXI. The appropriation made to the department of transportation in 1999, 226:1, XIII, D for the Concord rail bridge.

XXXII. The appropriation made to the department of transportation in 1999, 226:4, I, B, as amended by section 17 of this act, for salt sheds - Exeter patrol shed, Gonic, Moultonborough.

XXXIII. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I, as extended by 1997, 349:34, XXIII and 1999, 226:32, XI, for RSA 171-B mentally retarded criminal offenders.

XXXIV. The appropriation made to the department of health and human service by 1995, 310:191, as amended by 1997, 349:31 and 1998, 276:2, as extended by 1997, 349:34, XXXVII and 1998, 276:3, and as amended by 1999, 226:29 and extended by 1999, 226:32, XVI for design and renovation of APS-B-wing, M and S building and Thayer building improvements, Glencliff home improvements, and improvements to the Brown building.

XXXV. The appropriation made to the department of health and human services in 1999, 226:1, VIII, A for laboratory safety improvements.

XXXVI. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F for Laconia developmental services campus-designated receiving facility renovations-developmental services.

XXXVII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H for information technology.

XXXVIII. The appropriation made to the New Hampshire port authority in 1999, 226:1, XI, A, for building improvements.

XXXIX. The appropriation made to the New Hampshire veterans' home in 1999, 226:1, XIV, A, to design and build a new facility.

XL. The appropriation made to the adjutant general in 1999, 226:1, I, C, for renovation of state armories.

XLI. The appropriation made to the community technical college system in 1999, 226:1, IV, C, for maintenance/critical repairs.

XLII. The appropriation made to the community technical college system in 1999, 226:1, IV, D, for general science laboratory upgrades.

XLIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, D, for storage building for emergency response equipment.

XLIV. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F, for Laconia developmental services campus-designated receiving facility renovations-developmental services.

19 Contingency; Department of Transportation. Sections 17 of this act and paragraph XXXII of section 18 of this act shall only take effect if the 2001 capital budget includes the appropriation to the department of transportation for a new garage and testing lab facility, as provided in paragraph II, D of section 4 of this act.

20 Effective Date.

I. Section 18 of this act shall take effect June 30, 2001.

II. The remainder of this act shall take effect on July 1, 2001.

The question being the adoption of the majority committee amendment.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Edwin Smith spoke in favor and yielded to questions.

Adopted.

Report adopted.

Referred to Finance.

**MOTION TO PRINT REMARKS**

Rep. Jeb Bradley moved that Rep. Edwin Smith's remarks on *HB 25*, making appropriations for capital improvements, be printed in the Journal.

Adopted.

**REMARKS**

Rep. Edwin Smith: Thank you Mr. Speaker. While the previous speaker and I share the same name, we don't always agree, but we always disagree agreeably. The Public Works and Highways Committee spent a long time on this budget and I think we have a good product that came out of that deliberation. There was a copy of the handout in your mailbox outside for everyone to have and you can look up and see where the changes were that we made. The biggest area of disagreement on the budget was the University System. We felt that there have been some times in the past when the two did not see eye to eye, that being the University System and the legislature, as far as where the appropriations were spent. We felt that if we appropriated or agreed to the one hundred million dollars with the very strong intent, and that is what we are doing, we are saying we will appropriate, we intend to appropriate one hundred million dollars over the next six years. The intent of the legislature goes a long way; the court decisions in a lot of things that we do, the intent is the primary focus of what goes on in the future and what was intended at the time of legislation. There is no question in my mind but what a majority, unanimously, on the committee, think that the one hundred million dollars should be spent to improve the University System's buildings. The building that seems to be getting the most attention is Kingsbury Hall. Kingsbury Hall is the engineering building and, as many of you have heard, there is a question about the accreditation of the facility. In that light, when we were talking with the University people who were presenting the budget to us, we asked them if they would like to change the priority and make that the number one priority so that something could be done sooner. They said "no," that they wanted to keep with their priorities from prior years and not make any changes. But as far as doing something sooner, when you look at that the planning money is in the current appropriation, the planning time to get that from where it is now to having specs to go out to bid is 15 to 18 months, if everything goes well without any hitches. We're going to be in the next biennium at that time. We have the intent, and I would hope that everyone here who votes for the capital budget has the same intent, that when we look at this capital budget two years from now, we made a commitment that we would do the next funding phase of this. But to go back to Kingsbury again, that building should go on seamlessly, the appropriation that comes in two years will allow them to continue to move forward with the construction of that building and it should be realized as soon as it would be if we did the whole project for one hundred million dollars.

The other problem we had appropriating one hundred million dollars at one time over six years, there are a couple of other agencies who had the same needs as far as buildings and we felt if we treated one appropriation differently than we treated the others, that wouldn't be fair and to accommodate the University to do what they need to do, we realized that we had to go the one hundred million dollar route, but we certainly give the intent that we will continue to fund this and we will do it as flexibly as we feel we can. We do think that this process should work the way we have it lined out and we do give our word we will continue to do this and as I said earlier, I hope the whole House does this when we vote on the capital budget — that we remember that there is a commitment here and we will be coming back in two years to fulfill that commitment and two years in the future after that we will also be looking for the same commitment from this body.

Rep. Jeb Bradley: Thank you, Mr. Speaker. Thank you for yielding, Rep. Smith. I appreciate, as the prime sponsor of HB 336, your strong commitment to funding in the capital budget process on an ongoing basis the one hundred million dollars. This is my question. I'm sure that you are still aware of the concern that while the capital budget this year has a 34 million dollar rough appropriation for the University and the intent of the remaining 66 million dollars is not cast in stone and is there some way, Rep. Smith, that you can assure myself, as a sponsor of this bill, and all of the other supporters of the University that this intent will be met?

Rep. Edwin Smith: If you read the amendment that is in the bill, it does say it is the intent of the legislature to fund the full 100 million dollars. Also, the part of the public record that is in the committee folder says statement of intent; the "blurb" is written after that and we say in the "blurb" we intend to do that. Certainly the commitment is there from those of us who are here, we all know

that not all of us are going to be returning in two years, but have talked about this and I think that we have made our intentions well known. I don't think that anyone out there is going to forget that we are standing up here saying that's the intent of the committee.

**HB 402, relative to the establishment of a state universal service fund. OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: The committee found that universally available and affordable basic telephone services are essential to the prosperity and development of the state, and authorizes the Public Utilities Commission (PUC) to establish draft rules in relation to a state universal service fund. The intent is to authorize the PUC to develop draft rules and to assess costs and services associated with a universal service program in order to assist the General Court in considering the enactment of a state universal service program. After the rules, costs and services have been drafted and statutorily approved by the General Court in subsequent legislation, the PUC shall require every provider of intrastate telephone service to contribute to a state universal services fund to support the programs and goals of this act. It is not the intent of the legislature that this act is to be used to subsidize rates. Vote 14-0.

**Amendment (0532h)**

Amend the bill by replacing all after the enacting clause with the following:

I Declaration of Purpose and Findings. The general court finds that universally available and affordable telephone services are essential to the prosperity and economic development of the state. This act authorizes the public utilities commission to establish rules in relation to a state universal service fund to provide affordable basic service consistent with federal law to low-income users and comparability of service and rates for affordable basic telephone service in high cost service areas. This act further provides the public utilities commission the authority to develop draft rules in relation to public interest pay telephones.

2 Intent. Passage of this act is not intended to establish or to authorize the establishment of a state universal service fund. The intent of the general court is to authorize the public utilities commission to develop draft rules consistent with the standards established in this act and to require the public utilities commission to assess the costs and services associated with a universal service program in order to assist the general court in considering the enactment of a comprehensive universal service program.

3 New Section; Affordable Telephone Service. Amend RSA 374 by inserting after section 22-o the following new section:

374:22-p Affordable Telephone Service; Rulemaking; Standards.

I. For the purposes of this section, "Federal Telecommunications Act" means the federal Telecommunications Act of 1996, Public Law 104-458, 110 Stat. 56.

II. Subject to RSA 362:6, the commission shall require every provider of intrastate telephone service to participate in outreach programs designed to increase the number of low-income telephone customers on the network through increased participation in any universal service program approved by the commission and statutorily established by the legislature. Statewide outreach programs shall continue until further order of the commission.

III. The commission shall seek to ensure that affordable basic telephone services are available to consumers throughout all areas of the state at reasonably comparable rates.

IV.(a) The commission shall develop draft rules to implement this section and shall, after the statutory establishment of a universal service fund, require every provider of intrastate telephone services to contribute to a state universal service fund to support programs consistent with the goals of applicable provisions of this title and the Federal Telecommunications Act.

(b) If the commission, upon statutory establishment of a universal service program, establishes a state universal service fund pursuant to this section, the commission shall contract with an appropriate independent fiscal agent that is not a state entity to serve as administrator of the state universal service fund. Program administration shall be designed in the most cost-effective manner possible. Funds contributed to a state universal service fund are not state funds and therefore are not subject to provisions of law relating to the general fund. Rules and any state universal service fund requirements established by legislative enactment and by the commission pursuant to this section shall:

(1) Be reasonably designed to maximize federal assistance available to the state for universal service purposes.



(2) Meet the state's obligations under the Federal Telecommunications Act.

(3) Be consistent with the goals of the Federal Telecommunications Act.

(4) Ensure that any requirements regarding contributions to a state universal service fund be nondiscriminatory and competitively neutral.

(5) Require explicit identification on customer's bills of contributions to and in the event of fund termination, refunds from, any state universal service fund established pursuant to the section.

(6) Allow consideration in appropriate rulemaking proceedings of contributions to and in the event of fund termination, refunds from, any state universal service fund established pursuant to this section.

(c) For purposes of this section, "providers of intrastate telephone services" includes providers of radio paging service and, subject to the provisions of the Federal Communications Act as amended and codified at 47 U.S.C. sec. 332(c)(3)(A), mobile telecommunications services.

(d) Prior to requiring that providers of intrastate telephone service contribute to a state universal service fund and prior to statutory establishment of a universal service fund, the commission shall report to the general court its determination of the expected program costs, the amount and type of the funding mechanism, the number of people proposed to be served, the level of proposed service, and the administrative design of the proposed fund.

V. The commission, annually, shall assess the penetration rate of basic telephone services. If this penetration rate ever falls below the national average penetration rate, the commission shall commence an investigation and take steps to enhance telephone market penetration. The commission, annually, shall assess the success of any action taken by the commission to achieve the purpose of this section. The public policy goal should be to raise the low income penetration level as close as reasonably possible to the statewide average.

VI. The commission shall have the authority to permit funding from the universal service fund of fair compensation to providers of public interest pay telephones, as defined by the commission, that are provided in the interest of public health, safety, and welfare in locations where there otherwise would not be a payphone.

VII. Funding of public interest payphones shall be fair and equitable, shall be competitively neutral, and shall not involve the use of subsidies prohibited by the Federal Telecommunications Act or rely on federal universal service support.

4 Effective Date. This act shall take effect July 1, 2001.

#### AMENDED ANALYSIS

This bill requires the public utilities commission to develop draft rules regarding a state universal service fund. This bill also establishes requirements for a state universal service fund which provide that, if the legislature establishes a universal service program, the universal service program shall:

I. Require providers of intrastate telephone service to participate in outreach programs to low-income telephone customers.

II. Require providers of intrastate telephone service to contribute to a state universal service fund.

III. Permit the public utilities commission to fund, from a universal service fund, public interest pay telephones.

Adopted.

Report adopted and ordered to third reading.

**HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission. **ought to pass with amendment**

Rep. Jeb E. Bradley for Science, Technology and Energy: This legislation was requested by the New Hampshire Electric Cooperative (NHEC). The legislation would allow the NHEC to be exempted from Public Utility Commission (PUC) regulations concerning Transition Service. Transition Service is competitively procured wholesale electricity for customers who have not chosen a competitive electricity supplier. NHEC requested the bill so that the Cooperative could exceed the 4-year statutory limitation on providing Transition Service. The committee believed this change was necessary, as the competitive retail electricity market has been slow in developing in New England, particularly for residential customers. Allowing the NHEC this flexibility is consistent with a law that was enacted several years ago which allows NHEC to be exempted from some PUC regulations provided that NHEC members actually vote for self governance. Ninety-four percent



of NHEC members voted for self-governance in June 2000. The committee amendment also allows an additional 5 years in which Transition Service is available for all New Hampshire utilities that have already, or are about to move into deregulation. This change is particularly needed for Granite State Electric (GSE) customers who are near the end of their third year of Transition Service. The five-year time provision would also apply to PSNH customers. The amendment also gives the PUC greater flexibility in procuring Transition Service. The committee believes these changes in the electric restructuring law are necessary given the volatility in the energy commodity markets, notably oil and natural gas. The upward pressure of higher commodity prices has increased wholesale electricity prices in New England for the last several months. Vote 14-0.

### **Amendment (0512h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose and Findings. The general court finds that:

I. Rural electric cooperatives are owned by, and operated for the benefit of, their ratepayer members.

II. The business and affairs of rural electric cooperatives are managed by boards of directors chosen by and from the membership through annual elections in which each member is entitled to one vote.

III. A primary task of the public utilities commission in its regulatory function is to balance the competing interests of ratepayers and investor owners.

IV. The ratepayers of rural electric cooperatives are also the investor owners of those organizations.

V. Regulation by the public utilities commission imposes upon rural electric cooperatives certain transactional expenses, delays, and operational restrictions which are inherent in the regulatory process.

VI. In 1997, the general court amended RSA 301:57, finding that members of rural electric cooperatives should be empowered to elect, through a vote of the membership, to limit the scope of regulation imposed upon the organization which they own and from which they purchase electricity. The general court amended RSA 362:2 to limit the public utilities commission's jurisdiction over many aspects of the business and affairs of rural electric cooperatives whose members elect limited regulation, treating such member-controlled cooperatives in a manner consistent with the regulatory treatment of municipal utilities. All rural electric cooperatives, however, remained subject to public utilities commission regulation for certain matters, including those matters addressed in New Hampshire's restructuring statute, RSA 374-F.

VII. Subsequent to the amendment of RSA 301:57 and RSA 362:2, the provisions of RSA 374-F were amended to include specific requirements concerning the provisions of transition and default service. The public utilities commission has implemented the amended provisions by issuing orders which limit the ability of all utilities, with the exception of municipal utilities, to aggregate on behalf of, or otherwise make electric energy available to, their distribution ratepayers, except pursuant to the provisions of RSA 374-F:3, V and RSA 374-F:7.

VIII. The restrictions contained in RSA 374-F:3, V and RSA 374-F:7 impose upon rural electric cooperatives certain transactional expenses, delays, and operational restrictions which contribute to higher electric costs and hinder a cooperative's ability to fulfill its mission of making affordable electric service available to its membership on a not-for-profit basis.

IX. A rural electric cooperative whose membership has elected to limit the scope of regulation imposed upon the cooperative should be subject to the provisions of RSA 374-F concerning transition service and the retail supply of electricity to the same extent as those provisions apply to a municipal utility.

2 Public Utility; Regulation of Rural Electric Cooperatives. Amend RSA 362:2, II to read as follows:

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374-2-

a, 374:26, 374:26-a, **374-A**, 374-C, 374-F, and 378:37-39 shall, *unless otherwise provided herein*, be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A *and the provisions of RSA 374-F:3, V(b) and RSA 374-F:7* shall ~~[apply]~~ *be applicable* to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.

3 New Section; Rural Electrification Associations; Financial Responsibility. Amend RSA 301 by inserting after section 61 the following new section:

301:62 Financial Responsibility. A rural electric cooperative which has filed a certificate of deregulation with the public utilities commission shall not, without prior authorization of the commission, after consent to jurisdiction pursuant to RSA 301:60, notice, and hearing, charge, through its stranded cost recovery charge, delivery services rates, or any other rate or surcharge, any member who does not purchase generation services provided by or acquired through such rural electric cooperative, for any costs of generation services incurred by such rural electric cooperative after retail competition is certified to exist pursuant to RSA 38:36, except for electric power consumed directly by the rural electric cooperative. Nothing in this paragraph shall prevent any member or members from entering contracts of any duration with such rural electric cooperative for the purchase of generation services and being bound by their terms, including damages for termination.

4 Findings. The general court finds that:

I. Commodity prices for oil and natural gas have substantially increased in the past year, resulting in higher wholesale electricity prices in New Hampshire and throughout the New England region. The higher wholesale electricity prices have prevented competitive electricity suppliers from being able to compete with standard transition service, causing them to exit the market or not even enter it in the first place.

II. Given the increase in wholesale electricity prices and the potential lack of a significant number of viable competitive suppliers, it is important that measures be taken to protect customers from the potential of a non-competitive and volatile electricity market. For these reasons, the public utilities commission should be given ample authority and flexibility in determining the appropriate length and terms of transition and default service for each electric utility.

5 Electric Utility Restructuring Policy Principles; Transition Service. Amend RSA 374-F:3, V(b) to read as follows:

(b) As competitive markets emerge, customers should have the option of stable and predictable ceiling electricity prices through a reasonable transition period, consistent with the near term rate relief principle of RSA 374-F:3, XI. Upon the implementation of retail choice, transition service should be available for at least one but not more than ~~[4]~~ 5 years after ~~[the start of]~~ competition *has been certified to exist in at least 70 percent of the state pursuant to RSA 38:36*, for customers who have not yet chosen a competitive electricity supplier. Transition service should be procured through competitive means and may be administered by independent third parties. The price of transition service should increase over time to encourage customers to choose a competitive electricity supplier during the transition period. Such transition service should be separate and distinct from default service.

6 New Subparagraph; Electric Utility Restructuring Policy Principles; Alternative Transition or Default Services. Amend RSA 374-F:3, V by inserting after subparagraph (d) the following new subparagraph:

(e) Notwithstanding any provision of subparagraphs (b) and (c), as competitive markets develop, the commission may approve alternative means of providing transition or default services which are designed to minimize customer risk, not unduly harm the development of competitive markets, and mitigate against price volatility without creating new deferred costs, if the commission determines such means to be in the public interest.

7 New Section; Electric Utility Restructuring Policy Principles; Competitive Market Enhancement. Amend RSA 374-F by inserting after section 7 the following new section:

374-F:8 Competitive Market Enhancement. The commission shall take an active role in advocating for nondiscriminatory open access to the electric system for wholesale and retail transactions. The commission shall participate in the activities of all regional bodies that control the transmission of electricity and shall advocate for needed structural changes that will enhance competitive markets.

8 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill makes certain provisions relating to transition service and competitive electricity supplier requirements applicable, to the same extent as for municipal utilities, to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission. This bill limits the charges that may be assessed by certain rural electric cooperatives against members who do not purchase generation services by or through the cooperative. This bill also grants the public utilities commission greater discretion regarding transition and default electricity services.

Adopted.

Report adopted and ordered to third reading.

**HB 707**, establishing a committee to study the usage of 211 as a uniform community service information and referral number. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jacqueline A. Pitts for Science, Technology and Energy: This bill establishes a committee to study the use of 211 as a statewide information and referral line. The 211 line would provide uniform information about community services similar to 911, which provides emergency information. The Telecommunication Act of 1996 allows states to establish the 211 service. Issues that the committee will have to address include the funding mechanism and who will own data lists of information and referral providers. Vote 14-0.

## Amendment (0428h)

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the usage of 211 as a uniform community service information and referral number.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the science, technology, and energy committee and one of whom shall be from the health, human services, and elderly affairs committee, appointed by the speaker of the house of representatives.

(b) Up to 3 members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the usage of 211 as a uniform community service information and referral number.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001. The committee may file an interim report by November 1, 2001 and a final report on or before November 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 529**, relative to advertisements for sweepstakes and gambling. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This bill reflects some of the same concerns as HB 172. The commission addressed the sponsor's concerns by putting ads on the web site as well as on the back of scratch tickets. The commission has also agreed to put trailers on all of their future TV ads. Vote 14-0.

Adopted.

**HB 642-FN-L**, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize former county correctional facilities as state facilities. **INEXPEDIENT TO LEGISLATE**

Rep. William J. Kelley for Criminal Justice and Public Safety: This bill would abolish county departments of corrections and authorize the department of corrections to contract with the counties



to utilize former county correctional facilities as state facilities. Testimony from the department of corrections indicated that the current system works well. Further, the Corrections Population Management Study of January 1995 (“Corrigan Report”) reached at the same conclusion that there would be little increase in efficiency or cost-savings. Vote 14-1.  
Rep. Burling spoke against and yielded to questions.  
Rep. Welch spoke in favor.  
On a division vote, 225 members having voted in the affirmative and 107 in the negative, the report was adopted.

**HB 411**, requiring that New Hampshire’s presidential electors be bound to vote for the candidates of the party which nominated the electors. **INEXPEDIENT TO LEGISLATE**  
Rep. Lynn C. Horton for Election Law: Currently, the presidential electors must vote for the candidates of the party, which nominated the electors. The committee felt there has been no problem in New Hampshire and this bill was not needed. Vote 16-2.  
Rep. Arndt moved Recommit to Committee.  
Adopted.  
Recommitted to Election Law.

**HB 339**, prohibiting the taking of deer by baiting. **INEXPEDIENT TO LEGISLATE**  
Rep. Paul M. Mirski for Fish and Game: Baiting is currently allowed on one’s own property, or on the property of another with written permission of the landowner and notification of the area conservation officer. The majority could find no reason to limit or eliminate this particular and presently available method of taking deer in New Hampshire. In the opinion of the committee, to do away with this age old practice would be difficult to enforce and a hardship for some hunters. The admirable sentiment of the sponsor of this well meaning bill was opposed by New Hampshire Wildlife Federation, Fish and Game Commission, Fish and Game Department, bow hunters, and citizens’ petitions. Vote 15-0.  
Rep. Mock spoke against.  
Rep. Stohl spoke in favor and yielded to questions.  
Rep. Herman requested a roll call; sufficiently seconded.  
The question being the adoption of the committee report.

YEAS 155 NAYS 174

YEAS 155  
BELKNAP

Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Thomas, John			

CARROLL

Dickinson, Howard	Kenney, Joseph	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

CHESHIRE

Allen, Peter	Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler
Hunt, John	Meador, David	Roberts, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
Stohl, Eric	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Benn, Bernard	Cobb, John
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	



**HILLSBOROUGH**

Artz, Lawrence	Balboni, Michael	Baroody, Benjamin	Batula, Peter
Bergeron, Jean-Guy	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clayton, William
Clegg, Robert Jr	Coughlin, Pamela	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Fletcher, Richard
Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Greenberg, Gary	Guinta, Frank	Herman, Keith
Hopper, Gary	Johnson, Lionel	Kurk, Neal	McRae, Karen
Melcher, Harold	Mercer, Robert	Palangas, Eric	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
White, John			

**MERRIMACK**

Brewster, Richard	Clarke, Claire	Daneault, Gabriel	Feuerstein, Martin
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Hutchinson, John
Jacobson, Alf	L'Heureux, Stephen	Leber, William	Lockwood, Priscilla
Perkins, Randy	Potter, Frances	Rush, Deanna	Whalley, Michael
Whittemore, James	Winter, Steven		

**ROCKINGHAM**

Arndt, Janet	Bowles, Raimond	Bridle, Russell	Camm, Kevin
Clark, Vivian	Cooney, Richard	Dodge, Robert	Dowling, Patricia
Downing, Michael	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Giordano, Ronald	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Saia, Pamela	Shultis, Elizabeth	Sloan, Stephen	Stone, Joseph
Trueman, Raymond	Varrell, Thomas	Welch, David	Woekel, Ralph
Zolla, William			

**STRAFFORD**

Berube, Roger	Bickford, David	Harrington, Michael	Twombly, James
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**SULLIVAN**

Burling, Peter	Flint, Gordon Sr	Odell, Bob	Phinizy, James
Robb, Amy	Rodeschin, Beverly		

**NAYS 174****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Johnson, William	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Wendelboe, Fran	Wood, Jane	

**CARROLL**

Babson, David Jr	Mock, Henry	Quimby, Lee	Stevens, Stanley
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**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Edwards, Dana
Manning, Joseph	McGuirk, Paul	Mitchell, McKim	Pratt, John
Richardson, Barbara			

# COOS

Bradley, Paula	Davis, Perley	Tholl, John Jr
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# GRAFTON

Almy, Susan	Barker, Robert	Cooney, Mary	Dudley, Terri
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

# HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Balcom, John	Bellavance, Paul	Buckley, Raymond	Cardin, Lori
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Elliott, Larry
Emerton, Lawrence Sr	Flora, Kathleen	Ford, Nancy	Foster, Linda
Furman, Christine	Golding, William	Haley, Robert	Hall, Betty
Hall, Charles	Holden, Randolph	Jean, Claudette	Jean, Loren
Kacavas, John	Konys, Christine	LaFlamme, Paul	LaRose, Richard
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	McHugh, Claire	Milligan, Robert
Moran, Edward	Movsesian, Lori	O'Connell, Timothy	Panagopoulos, Nicholas
Rowe, Robert	Salts, Greg	Seibel, Christopher	Shaw, Barbara
Spieess, Paul	Sweeney, Cynthia	Vaillancourt, Steve	Wheeler, Robert
White, Donald			

# MERRIMACK

Anderson, Eric	Bouchard, Candace	Colcord, J D	Cummings, Raymond
Davis, Frank	Fraser, Marilyn	French, Barbara	Gile, Mary
Kennedy, Richard	Langer, Ray	MacKay, James	Moore, Carol
Poulin, David	Rodd, Beth	Seldin, Gloria	Yeaton, Charles

# ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Chalbeck, Kevin	Coes, Betsy
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony
Flanagan, Natalie	Gilbert, Karl	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Hutchinson, Karen
Johnson, Rogers	Kane, Cecelia	Kelley, Jane	Kelley, William
Kobel, Rudolph	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Robertson, Carl	Ruffner, Walter	Sapareto, Frank	Splaine, James
Stritch, C Donald	Weatherspoon, Jacquelyne	Weyler, Kenneth	

# STRAFFORD

Albert, Russell	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lachance, Douglas	McCarthy, Gerald	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Tsiros, William
Wall, Janet	Woodill, Rodney	Woods, Phyllis	

# SULLIVAN

Allison, David	Cloutier, John	Ferland, Brenda	Jones, Constance
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and the committee report failed.  
Rep. Mock moved Ought to Pass.  
Adopted and ordered to third reading.

**CACR 10**, relating to term of office for judges and judicial retirement age. Providing that all judges appointed on or after January 1, 2003 shall serve a 5-year term which may be renewed by vote of the governor and council, and that the mandatory judicial retirement age shall be repealed. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: The Committee decided to consider the matter of judicial term limits contained in this CACR under CACR 3, which has been retained by the Committee. Vote 17-1.

Rep. Kennedy spoke against.

Rep. John Pratt spoke in favor.

### **MOTION TO LAY ON THE TABLE**

Rep. Mirski moved that **CACR 10**, relating to term of office for judges and judicial retirement age. Providing that all judges appointed on or after January 1, 2003 shall serve a 5-year term, which may be renewed by vote of the governor and council, and that the mandatory judicial retirement age shall be repealed, be laid upon the table.

The motion failed.

Committee report adopted.

**HB 429**, relative to dispute resolution within the context of public employee labor relations. **ought to pass with amendment**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: The unanimous vote was a reflection of the strong support of the committee. This bill provides a method where law enforcement, firefighters, and EMTs who are engaged in a labor relations dispute can go to an appointed neutral party for resolution. Vote 13-0.

### **Amendment (0491h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Labor Relations; Resolution of Disputes Involving Law Enforcement Employees or Firefighters. Amend RSA 273-A:12 by inserting after paragraph I the following new paragraph:

I-a. If the dispute involves law enforcement employees or firefighters, the parties shall accept the neutral party's findings and recommendation. Cost items associated with the neutral party's recommendation shall be submitted to the legislative body of the public employer, which shall vote to accept or reject the cost items. In those communities where the governing body and the legislative body are the same, cost items shall be deemed to have been approved. Nothing in this section shall be construed to prohibit the parties from providing for such lawful procedures for resolving impasses as the parties may agree upon, provided that no such procedures shall bind the legislative body on matters regarding cost items. The parties shall share equally all fees and costs of such procedures. The provisions of paragraphs II - IV shall not apply to dispute resolutions covered by this paragraph.

2 Labor Relations; Resolution of Disputes. Amend RSA 273-A:12, II to read as follows:

II. *For all other employees*, if either negotiating team rejects the neutral party's recommendations, his *or her* findings and recommendations shall be submitted to the full membership of the employee organization and to the board of the public employer, which shall vote to accept or reject so much of ~~his~~ *the* recommendations as is otherwise permitted by law.

3 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill requires that law enforcement employees or firefighters who are engaged in a labor relations dispute accept the recommendation of the appointed neutral party. Cost items associated with the neutral party's recommendation are then submitted to the legislative body of the public employer.

Adopted.

Reps. Pepino, Lachance and Rice spoke against.

Rep. Holbrook spoke against and yielded to questions.

Reps. Jane Kelley, Baroody and Gilman spoke in favor.

Rep. Pratt requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

**YEAS 192 NAYS 111****YEAS 192****BELKNAP**

Boyce, Laurie  
Thomas, John

Dewhirst, Glenn  
Wood, Jane

Johnson, William

Nedeau, Stephen

**CARROLL**

Dickinson, Howard  
Stevens, Stanley

Kenney, Joseph

Mock, Henry

Quimby, Lee

**CHESHIRE**

Allen, Peter  
Hunt, John  
Pratt, John

Batchelder, Robert  
Manning, Joseph  
Richardson, Barbara

Burnham, Daniel  
McGuirk, Paul  
Royce, H Charles

Espiefs, Peter  
Mitchell, McKim

**COOS**

Guay, Lawrence

Horton, Lynn

Stohl, Eric

**GRAFTON**

Almy, Susan  
Gabler, William  
Nordgren, Sharon  
Solow, Martha

Benn, Bernard  
Gilman, G Michael  
Scanlan, David  
Teschner, Douglass

Cooney, Mary  
Lovett, Sid  
Scovner, Nancy  
Ward, Brien

Eaton, Stephanie  
Naro, Debra  
Sokol, Hilda

**HILLSBOROUGH**

Alukonis, David  
Buckley, Raymond  
Cote, Peter  
Dionne, Kimberley  
Elliott, Larry  
Furman, Christine  
Haley, Robert  
Holden, Randolph  
Johnson, Lionel  
Lefebvre, Roland  
Milligan, Robert  
Pappas, Marc  
Seibel, Christopher  
White, John

Andosca, Mary  
Cardin, Lori  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Ginsburg, Ruth  
Hall, Betty  
Hopper, Gary  
Kacavas, John  
Leishman, Peter  
Movsesian, Lori  
Peterson, Andrew  
Shaw, Barbara

Baroody, Benjamin  
Clayton, William  
Craig, James  
Duval, Jeffrey  
Fletcher, Richard  
Goley, Jeffrey  
Hall, Charles  
Jean, Claudette  
Konys, Christine  
Martin, Mary Ellen  
Palangas, Eric  
Rowe, Robert  
Spiess, Paul

Bruno, Pierre  
Clegg, Robert Jr  
Daigle, Robert  
Dwyer, Paul  
Foster, Linda  
Gorman, Mary  
Herman, Keith  
Jean, Loren  
LaFlamme, Paul  
McHugh, Claire  
Panagopoulos, Nicholas  
Salts, Greg  
Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Gile, Mary  
Potter, Frances  
Whalley, Michael

Brewster, Richard  
Fraser, Leo Jr  
L'Heureux, Stephen  
Rodd, Beth  
Whittemore, James

Clarke, Claire  
Fraser, Marilyn  
Moore, Carol  
Rush, Deanna  
Winter, Steven

Colcord, J D  
French, Barbara  
Perkins, Randy  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet  
Chalbeck, Kevin  
Dalrymple, Janeen  
Downing, Michael  
Giordano, Ronald  
Introne, Robert  
McGuire, Robert

Belanger, Ronald  
Clark, Vivian  
DiFrancia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Kelley, Jane  
Micklon, Stephanie

Blanchard, MaryAnn  
Coes, Betsy  
Dodge, Robert  
Francoeur, Sheila  
Hill, Jonathan  
Kobel, Rudolph  
Morse, Charles

Bridle, Russell  
Corbin, Corey  
Dowling, Patricia  
Gilbert, Jeffrey  
Holland, James Jr  
Langley, Jane  
Norelli, Terie



Nowe, Ronald  
Power, Lucille  
Rabideau, Marie  
Sloan, Stephen  
Varrell, Thomas  
Woekel, Ralph

Packard, Sherman  
Putnam, Ed II  
Robertson, Carl  
Splaine, James  
Weatherspoon, Jacquelyne

Palermo, Diane  
Quandt, Marshall  
Saia, Pamela  
Stritch, C Donald  
Welch, David

Pitts, Jacqueline  
Quandt, Matthew  
Shultis, Elizabeth  
Trueman, Raymond  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Gilmore, Gary  
Kaen, Naida  
Proulx, Raymond  
Spang, Judith  
Woodill, Rodney

Cossette, Larry  
Heon, Richard  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Hughes, Christopher  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

Estabrook, Iris  
Johnson, Nancy  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Allison, David  
Jones, Constance  
Robb, Amy

Burling, Peter  
Leone, Richard

Cloutier, John  
Odell, Bob

Ferland, Brenda  
Phinizy, James

### NAYS 111

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Wendelboe, Fran

Czech, Stanley  
Rice, Thomas Jr

Flanders, Donald  
Rosen, Ralph

Holbrook, Robert  
Russell, David

### CARROLL

Babson, David Jr

Patten, Betsey

Philbrick, Donald

Sullivan, P Judith

### CHESHIRE

Avery, Stephen  
Meador, David

Dexter, Judson  
Roberts, William

Edwards, Dana  
Smith, Edwin

Fairbanks, Chandler  
Zerba, Roger

### COOS

Davis, Perley  
Woodward, David

Gallus, John

Rozek, Michael

Tholl, John Jr

### GRAFTON

Akins, Ralph  
Dudley, Terri

Alger, John  
Giuda, Robert

Barker, Robert  
Marshall, Gene

Cobb, John  
Sova, Charles

### HILLSBOROUGH

Allan, Nelson  
Batula, Peter  
Calawa, Leon Jr  
Drisko, Richard  
Ford, Nancy  
Greenberg, Gary  
Lynde, Harold  
O'Connell, Timothy  
Tahir, Saghir  
White, Donald

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Carlson, Donald  
Dyer, Merton  
Gargaszy, Carolyn  
Kurk, Neal  
McRae, Karen  
Pepino, Leo  
Thompson, Rob

Artz, Lawrence  
Bragdon, Peter  
Christiansen, Lars  
Eaton, Richard  
Golding, William  
LaRose, Richard  
Mercer, Robert  
Reeves, Sandra  
Thulander, O Alan

Balboni, Michael  
Brundige, Robert  
Dokmo, Cynthia  
Flora, Kathleen  
Graham, John  
Leach, Edward  
Moran, Edward  
Souza, Kathleen  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Hager, Elizabeth  
Lockwood, Priscilla

Cummings, Raymond  
Hutchinson, John  
MacKay, James

Davis, Frank  
Langer, Ray  
Poulin, David

Feuerstein, Martin  
Leber, William

**ROCKINGHAM**

Bowles, Raimond  
Fesh, Bob  
Hamel, Albert  
Johnson, Rogers  
Major, Norman  
Zolla, William

Camm, Kevin  
Flanagan, Natalie  
Henderson, Warren  
Katsakiores, George  
McKinney, Betsy

Cooney, Richard  
Gilbert, Karl  
Itse, Daniel  
Katsakiores, Phyllis  
Rausch, James

Cox, Russell  
Gleason, John  
Johnson, Robert  
Letourneau, Robert  
Stone, Joseph

**STRAFFORD**

Albert, Russell  
Lachance, Douglas

Dunlap, Patricia  
Twombly, James

Grassie, Anne  
Woods, Phyllis

Harrington, Michael

**SULLIVAN**

Rodeschin, Beverly

and the report was adopted.

Ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

**SUSPENSION OF RULES**

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow the reporting deadline for House Bills of Wednesday, April 11<sup>th</sup> be moved to Thursday, April 12<sup>th</sup> at 2:00 p.m. and that it also be the deadline for committees to report their lists of retained bills.

Adopted by the necessary two-thirds.

**(Rep. Whalley in the Chair)****RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 18, 2001 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 446**, relative to spousal and child support enforcement.

**HB 501**, relative to licensure of foster homes and the duties of the department of health and human services advisory board.

**HB 620**, relative to arrangements between birth parents and adoptive parents.

**HB 697**, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.

**HB 131**, relative to the retention and disposal of certain financial disclosure forms.

**HB 226**, relative to instructions to voters for straight-ticket voting.

**HB 376**, allowing county commissioners serving 4-year terms to vote at state party conventions.

**HB 639**, relative to the preparation of town ballots.

**HB 302-FN**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage.

**HB 337-FN**, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission.

**HB 493**, exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act.

**HB 554-FN**, establishing a division of information technology within the department of safety.

**HB 667**, relative to certain reporting requirements and relative to meetings of the board of medicine.

**HB 684**, relative to the occupational therapy practice act.

**HB 719**, relative to the removal of public officials for cause.

*HB 370*, relative to the regulation of the trapping by the fish and game department.

*HB 471-FN*, relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons.

*HB 255*, establishing a committee to study the practice of "body works."

*HB 569*, establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire.

*HB 573*, relative to the role of certain advanced registered nurse practitioners in the state mental health services system.

*HB 576*, establishing a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

*HB 444*, relative to mental health services and records.

*HB 466*, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

*HB 482*, relative to airport zoning.

*HB 743*, transfers the department of youth development services to the department of health and human services.

*HB 402*, relative to the establishment of a state universal service fund.

*HB 489*, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service.

*HB 707*, establishing a committee to study the usage of 211 as a uniform community service information and referral number.

*HB 339*, prohibiting the taking of deer by baiting.

*HB 429*, relative to dispute resolution within the context of public employee labor relations.

### UNANIMOUS CONSENT

Rep. Burling addressed the House:

Rep. David Cote moved the remarks made by Rep. Burling be printed in the Permanent Journal.  
Adopted.

### REMARKS

Rep. Burling: Thank you, Mr. Speaker. This is one of these moments when I get to have a broad smile. How meet it is that when we talk about education two of our members are recognized for the extraordinary educational achievement that they managed to pull in just a short while ago. I'm speaking of Bob Daigle and Peter Cote, whose high school education was temporarily interrupted by that little unpleasantness called either World War II or Korea. Both left high school, both went off to defend their country and both honored this House and their hometowns by receiving their high school diplomas just a few short days ago. I would ask you all to join me in a round of applause for our colleagues.

(Speaker in the Chair)

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.  
Adopted.

The House recessed at 6:35 p.m.

### RECESS

(Rep. Sargent in the Chair)

### SENATE MESSAGE

### CONCURRENCE

*HB 102*, allowing bankruptcy judges to perform marriages after obtaining a special license.

*HB 109*, establishing a committee to study the consumer protection effort in New Hampshire.

*HB 113-L*, relative to the Nute High School and library trustees.

*HB 118*, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization.

**HB 125**, naming New Hampshire route 12-A from West Lebanon to the Cornish-Windsor Bridge the Maxfield Parrish Highway.

**HB 228**, relative to dealing in and possessing prescription drugs by podiatrists.

**HB 254**, naming a certain bridge in the town of North Charlestown.

**HCR 9**, urging the President of the United States to increase the administration's efforts to mediate a peaceful resolution to the dispute in Cyprus between Turkey and the Republic of Cyprus.

### ENROLLED BILL AMENDMENTS

**HJR 1**, urging Congress to expand eligibility for membership in the American Legion.

#### Amendment (0739-EBA)

Amend the bill by replacing line 9 with the following:

service in the United States Armed Forces, regardless of dates of service; and  
Adopted.

**HCR 2**, urging the federal government to establish a new zip code for the town of Kensington.

#### Amendment (0736-EBA)

Amend paragraph 2 after the title of the resolution by replacing lines 1 and 2 with the following:  
Whereas, the town of Kensington has no designated zip code, causing mail to be delayed, misdirected, and lost,

and causing confusion and annoyance on the part of persons outside of the town  
Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 106, 117, 144, 163, 168 and 233.

Rep. Nowe, Sen. Pignatelli for the Committee

### RECESS

#### (Rep. Mercer in the Chair)

#### RESOLUTION

Rep. Thulander offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 35, 62, 64, 71, 82, 111, 117, 124, 125, 143, 147, 150, 184 and 190 and Senate Concurrent Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS, and SCR

#### First, second reading and referral

**SB 35**, relative to a term for the chief justice of the supreme court. (Judiciary)

**SB 62**, relative to guardianships. (Judiciary)

**SB 64**, establishing a fund to pay mediators in the probate courts. (Judiciary)

**SB 71**, establishing a **study committee** relative to the regulation and compensation of persons licensed under the real estate practice act. (Executive Departments and Administration)

**SB 82**, relative to service of process in marital matters. (Judiciary)

**SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system. (Executive Departments and Administration)

**SB 117**, relative to extended school year services for educationally disabled children. (Education)

**SB 124**, relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county. (Judiciary)

**SB 125-FN**, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation. (Executive Departments and Administration)

**SB 143**, establishing a **study committee** relative to registering and regulating home improvement contractors. (Executive Departments and Administration)



**SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment. (Ways and Means)

**SB 150**, relative to community services for persons with developmental disabilities. (Health, Human Services and Elderly Affairs)

**SB 184**, relative to review of fees for the removal and impoundment of motor vehicles. (Transportation)

**SB 190**, dedicating the I-93 causeway at Moore Dam and the Cottage Street Bridge in Littleton. (Public Works and Highways)

**SCR 1**, urging the supreme court to expand the membership of the advisory committee on rules to include legislative members. (Judiciary)

## RECESS

### (Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 12

Wednesday, April 18, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Dear Lord, we ask Your blessing upon this honorable House as it faces the difficult decisions of how to gather the necessary resources to support and protect the citizens of our beloved New Hampshire. Give each member of the House a calm spirit as the debate begins and the time for voting nears. As the day ends, may each member's action reflect Your care for all people, and give us all the opportunity to celebrate the gift of freedom and democracy that You have bestowed upon us. Amen.

Rep. Joseph Stone led the Pledge of Allegiance.

Jason Reed, a student from Concord High School, sang our National Anthem.

### LEAVES OF ABSENCE

Reps. Mikowski and Irene Pratt, the day, illness.

Reps. Kenney and Robb, the day, important business.

Reps. Brown and Solow, the day, illness in the family.

### INTRODUCTION OF GUESTS

Mikell and Chris Perry, sister and nephew of Speaker Chandler. Anna Hopper, daughter of Rep. Hopper. Luc and Velda Charpentier, guests of Rep. Odell. Vicky and Chris Ayer and Erin Woodward, guests of Rep. Woodward. Pastor Charles Gravenhorst, wife Leda and children, Claire and Elisha, guests of Rep. John Hutchinson. Rep-elect David Gleneck, guest of Rep. Scanlan. Class of 2001, Leadership Seacoast, guests of Rep. Norelli. Barbara Brewster and Audry Schaefer, wife and guest of Rep. Brewster.

The House of Representatives offered the following

### HOUSE RESOLUTION NO. 11

Memorializing State Representative Bonnie L. Patria of Manchester

*WHEREAS*, it is with great sorrow that we have learned of the death of our colleague Bonnie L. Patria of Manchester; and

*WHEREAS*, as a first term Representative from Hillsborough County District #39, Bonnie L. Patria served with tremendous pride and enthusiasm as a member of the State-Federal Relations and Veterans Affairs Committee; and

*WHEREAS*, Bonnie L. Patria was a woman of great compassion, donating much of her time and resources at the New Horizons Shelter in Manchester; and

*WHEREAS*, despite serious illness, Bonnie L. Patria served as an advocate for the poor and homeless, and prior to her election to this House was often in attendance at legislative hearings on their behalf; and

*WHEREAS*, in an essay published in Under the Bridge, Bonnie L. Patria wrote: *My reason for going into politics is to provide a voice for the homeless and poor people. There is a strong need for better services to end the hunger and poverty here in New Hampshire. I pray that New Hampshire will be the leader of all the states in ..demonstrating unconditional empathy and compassion*; now, therefore, be it

*RESOLVED*, by the House of Representatives in Regular Session convened, that Bonnie L. Patria be saluted for her dedicated service to her community and her state, and be it further

*RESOLVED* that expressions of heartfelt sympathy be extended to her family and that a copy of this Resolution be prepared for presentation to them.

Unanimously adopted by a rising vote.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Wendelboe moved that the House reconsider its action whereby it passed with amendment, **HB 402**, relative to the establishment of a state universal service fund.

Rep. Wendelboe spoke in favor.

Rep. Thomas spoke against and yielded to questions.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 50 NAYS 319****YEAS 50****BELKNAP**

Boyce, Laurie

Wendelboe, Fran

**CARROLL**

Sullivan, P Judith

**CHESHIRE**

None

**COOS**

Pratt, Leighton

**GRAFTON**

Alger, John

Cobb, John

Eaton, Stephanie

Gilman, G Michael

Giuda, Robert

Mirski, Paul

Sova, Charles

**HILLSBOROUGH**

Balboni, Michael

Bergeron, Jean-Guy

Bruno, Pierre

Chabot, Robert

Christiansen, Lars

Emerton, Lawrence Sr

Holden, Randolph

Kurk, Neal

Martel, Andre

McHugh, Claire

Moran, Edward

Pepino, Leo

Salts, Greg

Tahir, Saghir

Tate, Joan

**MERRIMACK**

Anderson, Eric

Langer, Ray

Soltani, Tony

Whittemore, James

Winter, Steven

**ROCKINGHAM**

Camm, Kevin

Chalbeck, Kevin

Clark, Vivian

DiFruscia, Anthony

Fesh, Bob

Henderson, Warren

Hill, Jonathan

Itse, Daniel

Johnson, Rogers

Power, Lucille

Putnam, Ed II

Quandt, Marshall

Quandt, Matthew

Weyler, Kenneth

**STRAFFORD**

Bickford, David

McCarthy, Gerald

Twombly, James

Woods, Phyllis

**SULLIVAN**

Phinizy, James

**NAYS 319****BELKNAP**

Bartlett, Gordon

Czech, Stanley

Flanders, Donald

Holbrook, Robert

Johnson, William

Lawton, David

Millham, Alida

Neddeau, Stephen

Pilliod, James

Rice, Thomas Jr

Rosen, Ralph

Russell, David

Salatiello, Thomas

Thomas, John

Wood, Jane

**CARROLL**

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
Fairbanks, Chandler  
Meader, David  
Roberts, William  
Zerba, Roger

Avery, Stephen  
Edwards, Dana  
Hunt, John  
Mitchell, McKim  
Russell, Ronald

Batchelder, Robert  
Emerson, Susan  
Manning, Joseph  
Pratt, John  
Smith, Edwin

Burnham, Daniel  
Espieffs, Peter  
McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

**COOS**

Bradley, Paula  
Horton, Lynn  
Rozeck, Michael

Davis, Perley  
Landers, Dana  
Stohl, Eric

Gallus, John  
Mears, Edgar  
Tholl, John Jr

Guay, Lawrence  
Rodrigue, Robert  
Woodward, David

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Lovett, Sid  
Pawlek, Marion  
Ward, Brien

Almy, Susan  
Dudley, Terri  
Marshall, Gene  
Scanlan, David  
Williams, Burton

Barker, Robert  
Gabler, William  
Naro, Debra  
Scovner, Nancy

Benn, Bernard  
Ham, Bonnie  
Nordgren, Sharon  
Sokol, Hilda

**HILLSBOROUGH**

Allan, Nelson  
Artz, Lawrence  
Bellavance, Paul  
Bragdon, Peter  
Cardin, Lori  
Clegg, Robert Jr  
Coughlin, Pamela  
Dokmo, Cynthia  
Dwyer, Paul  
Fletcher, Richard  
Furman, Christine  
Goley, Jeffrey  
Greenberg, Gary  
Hall, Charles  
Jean, Loren  
Konys, Christine  
Lasky, Bette  
Lynde, Harold  
Melcher, Harold  
Movsesian, Lori  
Pappas, Marc  
Sargent, Maxwell  
Spiess, Paul  
Vaillancourt, Steve  
Williams, Carol

Alukonis, David  
Balcom, John  
Bergin, Peter  
Brundige, Robert  
Carlson, Donald  
Clemons, Jane  
Daigle, Robert  
Drabinowicz, A Theresa  
Eaton, Richard  
Flora, Kathleen  
Gargasch, Carolyn  
Gorman, Mary  
Guinta, Frank  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Leach, Edward  
Martin, Mary Ellen  
Mercer, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Schulze, Joan  
Sweeney, Cynthia  
Wheeler, Robert

Andosca, Mary  
Baroody, Benjamin  
Bouchard, David  
Buckley, Raymond  
Christensen, D L Chris  
Cote, David  
Desrosiers, William  
Drisko, Richard  
Elliott, Larry  
Ford, Nancy  
Ginsburg, Ruth  
Goulet, Maurice  
Haley, Robert  
Hopper, Gary  
Kacavas, John  
LaFlamme, Paul  
Leishman, Peter  
McDonough-Wallace, Alice  
Messier, Irene  
Palangas, Eric  
Reeves, Sandra  
Seibel, Christopher  
Thompson, Rob  
White, Donald

Arnold, Thomas Jr  
Batula, Peter  
Bouldin, Michael  
Calawa, Leon Jr  
Clayton, William  
Cote, Peter  
Dionne, Kimberley  
Duval, Jeffrey  
Fields, Dennis  
Foster, Linda  
Golding, William  
Graham, John  
Hall, Betty  
Jean, Claudette  
Keye, Harvey  
LaRose, Richard  
Lessard, Rudy  
McRae, Karen  
Milligan, Robert  
Panagopoulos, Nicholas  
Rowe, Robert  
Shaw, Barbara  
Thulander, O Alan  
White, John

**MERRIMACK**

Bouchard, Candace  
Crosby, Toni  
Dunne, Christopher

Brewster, Richard  
Cummings, Raymond  
Feuerstein, Martin

Clarke, Claire  
Daneault, Gabriel  
Fraser, Leo Jr

Colcord, J D  
Davis, Frank  
Fraser, Marilyn



French, Barbara  
Hess, David  
L'Heureux, Stephen  
Maxfield, Roy  
Potter, Frances  
Rush, Deanna  
Whalley, Michael

Gile, Mary  
Hutchinson, John  
Leber, William  
Moore, Carol  
Poulin, David  
Seldin, Gloria  
Yeaton, Charles

Greco, Vincent  
Jacobson, Alf  
Lockwood, Priscilla  
Owen, Derek  
Reardon, Tara  
Swindlehurst, John

Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Perkins, Randy  
Rodd, Beth  
Wallner, Mary Jane

## ROCKINGHAM

Arndt, Janet  
Bowles, Raimond  
Coes, Betsy  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McKinney, Betsy  
Norelli, Terie  
Palermo, Diane  
Rabideau, Marie  
Sapareto, Frank  
Stone, Joseph  
Weatherspoon, Jacquelyne  
Zolla, William

Belanger, Ronald  
Bridle, Russell  
Cooney, Richard  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Holland, James Jr  
Kane, Cecelia  
Kelley, William  
Letourneau, Robert  
Micklon, Stephanie  
Nowe, Ronald  
Pantelakos, Laura  
Rausch, James  
Shultis, Elizabeth  
Stritch, C Donald  
Welch, David

Bishop, Franklin  
Case, Margaret  
Corbin, Corey  
Dodge, Robert  
Francoeur, Sheila  
Gleason, John  
Hutchinson, Karen  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Moore, Benjamin  
O'Keefe, Patricia  
Pitts, Jacqueline  
Robertson, Carl  
Sloan, Stephen  
Trueman, Raymond  
Whittier, John

Blanchard, MaryAnn  
Clark, Martha Fuller  
Cox, Russell  
Downing, Michael  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Langley, Jane  
McGuire, Robert  
Morse, Charles  
Packard, Sherman  
Priestley, Anne  
Saia, Pamela  
Splaine, James  
Varrell, Thomas  
Woekel, Ralph

## STRAFFORD

Albert, Russell  
Cossette, Larry  
Ferland, Paul  
Harrington, Michael  
Knowles, William  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

Berube, Roger  
DeChane, Marlene  
Gilmore, Gary  
Heon, Richard  
Lent, Donald  
Reid, Christopher  
Spang, Judith

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Hughes, Christopher  
Musler, George  
Rollo, Michael  
Tsiros, William

Callaghan, Frank  
Estabrook, Iris  
Grassie, Anne  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

## SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Odell, Bob

Cloutier, John  
Harris, Joseph  
Rodeschin, Beverly

Ferland, Brenda  
Harris, Sandra

and the motion to reconsider failed.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it passed with amendment, **HB 429**, relative to dispute resolution within the context of public employee labor relations.

Reps. Baroody and Clegg spoke against.

Rep. Vaillancourt and Pepino spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 119 NAYS 254**

## YEAS 119

## BELKNAP

Flanders, Donald  
Rice, Thomas Jr

Holbrook, Robert  
Rosen, Ralph

Lawton, David  
Wendelboe, Fran

Pilliod, James

**CARROLL**

Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
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**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Smith, Edwin	Zerba, Roger		

**COOS**

Gallus, John	Rozek, Michael	Tholl, John Jr	Woodward, David
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**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Cooney, Mary
Dudley, Terri	Ham, Bonnie	Marshall, Gene	Sova, Charles
Ward, Brien			

**HILLSBOROUGH**

Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence	Balcom, John
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bragdon, Peter
Brundige, Robert	Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars
Cote, Peter	Dokmo, Cynthia	Drisko, Richard	Eaton, Richard
Emerton, Lawrence Sr	Flora, Kathleen	Ford, Nancy	Gargas, Carolyn
Golding, William	Goulet, Maurice	Graham, John	Greenberg, Gary
Hall, Charles	Kurk, Neal	LaFlamme, Paul	LaRose, Richard
Leishman, Peter	Lynde, Harold	Martin, Mary Ellen	McRae, Karen
Mercer, Robert	Messier, Irene	Moran, Edward	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Seibel, Christopher	Souza, Kathleen
Tahir, Saghir	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Colcord, J D	Cummings, Raymond	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Marilyn	Hager, Elizabeth
Kennedy, Richard	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Owen, Derek	Poulin, David	Reardon, Tara
Soltani, Tony	Whittemore, James		

**ROCKINGHAM**

Bowles, Raimond	Cox, Russell	Dearborn, Bruce	Dodge, Robert
Fesh, Bob	Gilbert, Karl	Griffin, Mary	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Morse, Charles	Pantelakos, Laura
Rabideau, Marie	Rausch, James	Sapareto, Frank	Shultis, Elizabeth
Zolla, William			

**STRAFFORD**

Callaghan, Frank	Dunlap, Patricia	Goodwin, Earle	Harrington, Michael
Musler, George	Reid, Christopher	Twombly, James	Woods, Phyllis

**SULLIVAN**

Odell, Bob	Rodeschin, Beverly
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**NAYS 254****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Johnson, William
Millham, Alida	Nedeau, Stephen	Russell, David	Salatiello, Thomas
Thomas, John	Wood, Jane		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Quimby, Lee	Stevens, Stanley	Torresen, Gary	

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Emerson, Susan	Espiefs, Peter	Hunt, John	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Roberts, William	Royce, H Charles	Russell, Ronald
Weed, Charles			

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric			

**GRAFTON**

Almy, Susan	Barker, Robert	Benn, Bernard	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Teschner, Douglass	Williams, Burton	

**HILLSBOROUGH**

Alukonis, David	Andosca, Mary	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bouchard, David	Bouldin, Michael	Bruno, Pierre
Buckley, Raymond	Cardin, Lori	Carlson, Donald	Christensen, D L Chris
Clayton, William	Clegg, Robert Jr	Clemons, Jane	Cote, David
Coughlin, Pamela	Daigle, Robert	Desrosiers, William	Dionne, Kimberley
Drabinowicz, A Theresa	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Elliott, Larry	Fields, Dennis	Fletcher, Richard	Foster, Linda
Furman, Christine	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Guinta, Frank	Haley, Robert	Hall, Betty	Holden, Randolph
Hopper, Gary	Jean, Claudette	Jean, Loren	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	L'Heureux, Robert
Lasky, Bette	Leach, Edward	Lessard, Rudy	Martel, Andre
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Milligan, Robert
Movsesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Peterson, Andrew	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Tate, Joan	Thompson, Rob	White, Donald	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Fraser, Leo Jr	French, Barbara	Gile, Mary
Greco, Vincent	Hess, David	Hutchinson, John	Jacobson, Alf
L'Heureux, Stephen	Maxfield, Roy	Moore, Carol	Perkins, Randy
Potter, Frances	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Winter, Steven	Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Camm, Kevin	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Giordano, Ronald	Gleason, John	Hamel, Albert	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Kane, Cecelia	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Langone, John

Letourneau, Robert  
Micklon, Stephanie  
O'Keefe, Patricia  
Power, Lucille  
Quandt, Matthew  
Sloan, Stephen  
Trueman, Raymond  
Weyler, Kenneth

Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Varrell, Thomas  
Whittier, John

McGuire, Robert  
Norelli, Terie  
Palermo, Diane  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Weatherspoon, Jacquelyne  
Woekel, Ralph

McKinney, Betsy  
Nowe, Ronald  
Pitts, Jacqueline  
Quandt, Marshall  
Saia, Pamela  
Stritch, C Donald  
Welch, David

### STRAFFORD

Albert, Russell  
Cossette, Larry  
Gilmore, Gary  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair  
Wall, Janet

Berube, Roger  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Proulx, Raymond  
Spang, Judith  
Woodill, Rodney

Bickford, David  
Estabrook, Iris  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

Brennan, William  
Ferland, Paul  
Hughes, Christopher  
McCarthy, Gerald  
Smith, Marjorie  
Tsiros, William

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Phinizz, James

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

and the motion to reconsider failed.

Rep. Mirski declared a conflict of interest and did not participate.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 304-FN**, relative to insurance coverage for prostate cancer testing, removed by Rep. Poulin.

**HB 668**, prohibiting the use of genetic testing for certain insurance purposes, removed by Rep. Kurk.

**HB 670**, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance, removed by Rep. Weed.

**HB 690**, adopting the "Financial Information Privacy Protection Model Act", removed by Rep. Kurk.

**HB 679**, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12, removed by Rep. Bruno.

**HB 346-FN**, relative to requirements for medical examination and determination of gainful occupation for group II retirees injured in the performance of duty, removed by Rep. Martha Fuller Clark.

**HB 306-FN**, relative to driver education training reimbursement, removed by Rep. Letourneau.

**HB 741-FN-A-L**, relative to supplemental grants to certain municipalities to cap tax effort per pupil, removed by Rep. Sapareto.

**HB 158**, relative to the use of an artificial light to locate moose, removed by Rep. McKinney.

**HB 495**, relative to judicially appointed officials, removed by Rep. Jane Wood.

**HB 724**, relative to pooled risk management programs for public employers, removed by Rep. Wheeler.

**HB 596**, relative to the acquisition of land by a town, removed by Rep. Harrington.

**HB 716-FN**, relative to minimum wages of employees in public works, removed by Rep. Heon.

**HB 562-FN-A-L**, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding, removed by Rep. Bergin.

**HB 761-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor, removed by Rep. DiFruscia.

Consent Calendar adopted.

Rep. Paul Ferland declared a conflict of interest on **HB 657**, relative to bail recovery agents, and did not participate.



**HB 289-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara Hull Richardson for Children and Family Law: This bill allows a hospital to assume the care and custody of an abandoned child at or under the age of 72 hours when the parent or parents do not express an intent to return for the child. Under this bill, a mother would not be guilty of an offense or subject to a fine. It is hoped that passage of this bill will prevent babies from being left in dumpsters or in other unsafe places. Vote 12-1.

**Amendment (0839h)**

Amend RSA 132-A:1, II as inserted by section 1 of the bill by replacing it with the following:

II. "Hospital" shall mean a public or private institution which is required to be licensed under RSA 151, and which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitative services for the rehabilitation of such persons.

Amend RSA 132-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. In accordance with hospital policy or protocol, a hospital, without a court order, shall take possession of a child who is 72 hours old or younger provided that the child is voluntarily brought to the hospital by the child's parent or parents and the parent or parents did not express an intent to return for the child.

Amend section 2 of the bill by replacing it with the following:

2 Husband and Wife; Support of Wife and Children; Abandonment by Wife Amended. Amend RSA 460:28 to read as follows:

460:28 Abandonment by ~~Wife~~ **Mother**.

I. If any ~~[wife or]~~ mother shall separate herself from her ~~[husband]~~ **children** without cause~~;~~ ~~or from her children~~, she shall be guilty of a misdemeanor. The fine, if any, shall be applied in the discretion of the court to the benefit of the deserted ~~[husband or]~~ children ~~[or both]~~.

**II. A mother who separates herself from her child or children, pursuant to RSA 132-A, shall not be guilty of an offense or subject to a fine under this section.**

**HB 509**, establishing a limitation on the renewal of spousal support orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill creates a two-year statute of limitations on establishing or renewing alimony either from the date of the divorce or nullity decree or from the date of the termination date of alimony payments. Vote 12-1.

**Amendment (0717h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a statute of limitations on spousal support orders.

Amend the bill by replacing all after the enacting clause with the following:

1 Divorce; Revision of Orders; Limitation on Alimony Orders Inserted. Amend RSA 458:14 to read as follows:

458:14 Revision of Orders. etc. **Except as otherwise provided in RSA 458:19, I and VII**, the court, upon proper application and notice to the adverse party, may revise and modify any order made by it, may make such new orders as may be necessary, and may award costs as justice may require.

2 Divorce; Alimony; Statute of Limitations Added. Amend RSA 458:19, I to read as follows:

I. Upon motion of either party for alimony payments, the court shall make orders for the payment of alimony to the party in need of alimony, either temporary or permanent, for a definite or indefinite period of time, if ~~[it]~~ **the motion for alimony payments is made within 2 years of the decree of nullity or divorce and the court** finds that:

3 New Paragraph; Divorce; Alimony; Statute of Limitations Applied to Renewal of Alimony Order. Amend RSA 458:19 by inserting after paragraph VI the following new paragraph:

VII. In cases where the court issues an order for permanent alimony for a definite period of time, such order may be renewed, upon the petition of either party, provided that such petition is made within 2 years of the termination date of the permanent alimony order. Nothing in this paragraph shall be construed to change or alter in any way the terms of the original alimony order.

4 Effective Date. This act shall take effect January 1, 2002.

## AMENDED ANALYSIS

This bill establishes a statute of limitations for spousal support orders.

**HB 699**, relative to the rights of non-offending parents in the context of abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christine M. Furman for Children and Family Law: This bill provides for a hearing for the non-offending "fit" parent in abuse and neglect cases so that he or she may have custody of their child until such time that these cases are fully resolved. Vote 13-0.

## Amendment (0662h)

Amend RSA 169-C:19-e as inserted by section 1 of the bill by replacing it with the following:

169-C:19-e Custody Hearing for Parent Not Charged With Abuse or Neglect. A parent who has not been charged with abuse or neglect shall be afforded, upon request, a full hearing in the district or family court regarding his or her ability to obtain custody. At the hearing, the parent shall be provided the opportunity to present evidence pertaining to his or her ability to provide care for the child and shall be awarded custody unless the state demonstrates, by a preponderance of the evidence, that he or she has abused or neglected the child or is otherwise unfit to perform his or her parental duties.

## AMENDED ANALYSIS

This bill requires that parents who have not been charged with abuse and neglect be afforded a hearing regarding their ability to obtain custody of their children.

**HB 115**, relative to automated telemarketing practices. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The sponsor's intent was, first, to prohibit users of automatic telephone dialing systems that do not identify the caller's business and telephone number; second, to expand the information required upon the registration of telemarketers; third, to prohibit the use of automatic telephone dialing systems in telephone solicitation; and fourth, to reduce the required time for disconnecting after a called party hangs up from 30 to 5 seconds. The committee is very much concerned about adopting new laws in this area on the state level for two reasons: (1) New Hampshire does not have the capacity to closely regulate this industry; and (2) most of the regulatory responsibility relative to telemarketers belongs to the Federal Trade Commission (FTC), a federal agency. The committee supported the idea of adopting a concurrent resolution urging the state attorneys general and the FTC to most rigorously enforce existing federal laws. Further, the resolution urges Congress to support the Know Your Caller Act of 2001 (The Anti-Blocking Bill). In a separate action, the committee is urging the eleven telephone providers operating in the state to include a prescribed notice as a billing insert. This notice was drafted in conjunction with the Department of Justice. It includes information relative to consumers right to request to be included on telemarketers Do Not Call List and what to do if this request is not honored. The notice also includes information about how to register for the Do Not Call List maintained by a national organization called Telephone Preference Services. This narrative applies both to HB 115 and HB 299-FN as both bills address telemarketing practices and both have been found Inexpedient to Legislate. The committee has voted to retain HB 470, a third telemarketing bill, in the event that it is needed for some further action. Vote 13-0.

**HB 299-FN**, relative to telephone solicitation and the creation of a "no sales solicitation calls" list of consumers. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill proposes establishing a "no sales solicitation calls" list of New Hampshire consumers to be maintained by the Department of Justice. The committee is very much concerned about adopting new laws in this area on the state level for two reasons: (1) New Hampshire does not have the capacity to closely regulate this industry; and (2) most of the regulatory responsibility relative to telemarketers belongs to the Federal Trade Commission (FTC), a federal agency. The committee supported the idea of adopting a concurrent resolution urging the state attorneys general and the FTC to enforce existing federal laws. Further, the resolution urges Congress to support the Know Your Caller Act of 2001. In a separate action, the committee is urging the eleven local telephone providers operating in the state to include a prescribed notice as a billing insert. This notice has already been drafted in conjunction with the Department of Justice. It includes information relative to a consumers right to request to be included on a telemarketers Do Not Call

List and what to do if this request is not honored. The notice also includes information about how to register for the Do Not Call List maintained by a national organization called Telephone Preference Services. This narrative applies both to HB 115 and HB 229-FN.- both bills address telemarketing practices and both have been found Inexpedient to Legislate. The committee has voted to retain HB 470, a third telemarketing bill, in the event that it is needed for some further action. Vote 13-0.

**HB 394**, relative to short-term health insurance policies for certain persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: If adopted, this bill would amend the current law, which allows for one renewal of a short term health policy (short term means policies up to six months). Under the terms of HB 394, the amendment would allow for up to one additional renewal. There was no opposition to this proposal. Vote 14-0.

**Amendment (0435h)**

Amend RSA 415:5, III as inserted by section 1 of the bill by replacing it with the following:

III. Nonrenewable, individual health insurance policies which provide medical, hospital, or major medical expense benefits for a specified term may be delivered or issued for delivery to any person in this state; however, no such policy shall provide coverage for a specified term in excess of 6 months, nor shall any such policy be issued in this state to a person who was previously covered by more than [~~one such policy~~] *2 such policies* within the preceding 12-month period.

**AMENDED ANALYSIS**

This bill clarifies when short-term individual health insurance policies may be issued.

**HB 518**, relative to increases of motor vehicle policy premiums because a person reaches a certain age. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill was voted unanimously as Inexpedient to Legislate. This issue is introduced periodically. The New Hampshire Insurance Department reviews all criteria used in setting premium rates. To increase auto insurance premiums based purely on a person's age is not even permissible. We have a highly competitive auto insurance market in New Hampshire. As a result, rates continue to be among the best in the country. All companies rate drivers differently, but it would be discriminatory to increase premium rates based purely on age. Vote 13-0.

**HB 525**, relative to property and casualty insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: This bill was submitted on behalf of the Insurance Department to clarify language relative to continuing education requirements for adjuster's minimum net worth or surety bond requirements, for certain licenses, filing report dates for HMO's, and Delta Dental Plans. The bill was amended to extend the authority of the Attorney General's Office to conduct telecommunications surveillance to investigate insurance fraud. Vote 12-0.

**Amendment (0779h)**

Amend the bill by replacing section 4 with the following:

4 Road Service Licensure; Bond Required. Amend RSA 407-C:2 to read as follows:  
407-C:2 Issuance and Renewal.

*I. If the insurance commissioner is of the opinion that an applicant is reliable and entitled to confidence, such applicant shall be granted a license to perform such road or other service in this state until July 1 thereafter, and annually thereafter on July 1, such license may be renewed so long as the commissioner shall regard such licensee as reliable and entitled to confidence. Such application shall give such information as the commissioner may require, including, but not limited to, the most recent financial statement of the applicant prepared [~~according to~~] in accordance with generally accepted accounting principles and certified by a certified public accountant.*

*II. Individuals, firms, associations, or corporations established in this state shall file with the commissioner proof of minimum capital and surplus in an amount equal to or greater than \$250,000, or shall file with the commissioner a surety bond or equivalent acceptable to the commissioner in the amount of \$250,000.*

Amend RSA 415-B:2, II as inserted by section 7 of the bill by replacing it with the following:

II. The annual license fee shall be \$ 200. Licenses may be renewed from year to year as of July 1 of each year upon payment of the license fee to the commissioner. *Additionally, a premium finance company established in this state shall file with the commissioner proof of minimum*



*capital and surplus in an amount equal to or greater than \$250,000, or shall file with the commissioner a surety bond or equivalent acceptable to the commissioner in the amount of \$250,000.*

Amend the bill by replacing all after section 9 with the following:

10 Authorization for Interception of Telecommunications or Oral Communications. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of Telecommunications or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of telecommunications or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of telecommunications or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, child pornography under RSA 649-A, computer pornography and child exploitation under RSA 649-B, criminal conduct in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, *insurance fraud as defined in RSA 638:20*, dealing in narcotic drugs, marijuana, or other dangerous drugs, hazardous waste violations under RSA 147-A:4, I, or any conspiracy to commit any of the foregoing offenses.

11 Repeal. The following are repealed:

I. RSA 404-E, relative to an environmental risk insurance pool.

II. RSA 638:20, V, relative to limiting charges for insurance fraud.

12 Effective Date.

I. Sections 8 and 9 of this act shall take effect January 1, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill makes certain technical changes to the laws relative to property and casualty insurance. The bill requires road service licensees and premium finance companies to file a surety bond with the commissioner. The bill repeals the chapter relative to an environmental risk insurance pool and repeals a limitation on multiple insurance fraud charges. The bill also allows the interception of wire or oral communications in connection with an insurance fraud investigation.

This bill is a request of the insurance department.

**HB 526**, establishing a committee to study recodification of the motor vehicle insurance laws. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The sponsor-proposed amendment added a review of Insurance Department Bulletin 99-014-AB relative to "after-market parts". This bulletin was issued on September 20, 1999 and establishes standards for the use of after-market parts. If a repair shop uses so-called "after-market parts" and for any reason the part does not comply with the original design of the motor vehicle, the insurance company must pay all costs to have the problem rectified. The committee was unanimous in voting that this legislation was not necessary. Vote 13-0.

**HB 534**, relative to "salvage" motor vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill increases the requirements for disclosing the "salvage" status of certain motor vehicles to purchasers, in order to ensure that they are aware of that status. This bill is supported by the NH Attorney General's Office (Consumer Protection Bureau) which has found that pre-existing requirements have not produced sufficient levels of awareness. The bill, as amended, is also supported by the NH Auto Dealers' Association. Vote 14-0.

#### Amendment (0829h)

Amend the bill by replacing all after the enacting clause with the following:



1 New Paragraph; Salvage Certificate of Title; Disclosure to Buyer. Amend RSA 261:22 by inserting after paragraph IV the following new paragraph:

IV-a. Before selling to any buyer any used vehicle, the title to which is required to be marked "salvage" pursuant to this section, the seller shall disclose to the buyer in writing that the vehicle is a salvage vehicle and the reasons for such designation. Failure to comply with the provisions of this paragraph shall constitute an unfair or deceptive act or practice under RSA 358-A:2.

2 Dismantling or Destruction of Vehicle; Penalty. Amend RSA 261:22, V to read as follows:

V. It shall be a misdemeanor for any person to remove or cause to be removed a "salvage vehicle" decal from a motor vehicle to which it has been affixed pursuant to paragraph IV. A bona fide purchaser for value of a motor vehicle *which is not properly accompanied by the disclosure required by RSA 261:22, IV-a, or* from which the seller has removed or caused to be removed a "salvage vehicle" decal in violation of this paragraph may rescind the purchase within 3 business days after receiving a certificate of title disclosing that the vehicle is a salvage vehicle.

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 580**, requiring health insurance carriers to provide loss information to large employers on a quarterly basis. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: Until recently, insurers provided information about claims history voluntarily in response to occasional requests. Then, when one carrier declined to respond, some others followed suit, making it difficult for large employers to assess their options. This bill establishes standards to which all carriers can respond equally. The Insurance Department and a number of carriers support the bill and the concerns of some others were addressed in the amendment (e.g. frequency of disclosure was decreased from quarterly to semi-annually). Vote 13-1.

#### **Amendment (0702h)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring health insurance carriers to provide loss information to large employers at least once every 6 months.

Amend RSA 420-G:12-a as inserted by section 2 of the bill by replacing it with the following:

420-G:12-a Loss Information Provided to Large Employers.

I. Upon written request, every health carrier shall provide loss information concerning a large employer policy or contract at least once every 6 months from the date the policy becomes effective.

II. If a policyholder requests loss information from an insurance agent or other authorized representative, the representative or agent shall transmit the request for loss information to the health carrier within 4 working days.

III. A health carrier shall not be required to provide the loss information described in this section to employers who employ 100 or fewer employees.

#### **AMENDED ANALYSIS**

This bill requires health insurance carriers to provide loss information to large employers at least once every 6 months.

**HB 591**, relative to certain prescription discount cards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The committee feels that the advertising practices of companies issuing prescription discount cards can easily confuse purchasers of such cards. It is not always clear that discount cards are not part of any insurance program. The amendment requires companies that sell prescription discount cards to state that the card is not an insurance card. This statement must be written in 10-point bold type and must appear on any advertising and on the discount card. Vote 11-2.

#### **Amendment (0865h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Prescription Discount Cards. Amend RSA by inserting after chapter 358-Q the following new chapter:

#### **CHAPTER 358-R PRESCRIPTION DISCOUNT CARDS**

358-R:1 Prescription Discount Cards. Any entity which proposes to offer a prescription discount card, which is not an insurance card, and which is defined as a card or other mechanism that

advertises discounts or access to discounts on prescription drug purchases, shall register with the consumer protection and antitrust bureau of the department of justice. Registration shall consist of providing the consumer protection and antitrust bureau with a certified statement that the company intends to offer or advertise offering a prescription discount card to citizens of the state of New Hampshire. The certified statement shall also contain the name, address, location, and phone number of the company offering the prescription discount card; shall verify that any promotional advertising for the card expressly states in at least 10-point bold type that not all pharmacies may accept the prescription discount card; shall verify that the card and any promotional advertising for the card expressly states in at least 10-point bold type that the card is not an insurance card; and shall verify that the discount offered by the card or other purchasing mechanism does not contain misleading or deceptive statements or claims.

358-R:2 Applicability. This chapter shall not apply to any prescription drug discount card or other device issued by any program operated by, or in cooperation with, or pursuant to an agreement with the state of New Hampshire.

358-R:3 Penalties. Any violation of this chapter shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy or power set forth in RSA 358-A may be used to enforce the provisions of this chapter. The department of justice shall maintain and make available for inspection a record of the violations of this chapter.

2 Effective Date. This act shall take effect January 1, 2002.

**HB 632**, allowing the sale of collectible beer without a license. **INEXPEDIENT TO LEGISLATE**  
Rep. Stephen G. Avery for Commerce: This bill presents the Liquor Commission's Bureau of Enforcement with some real problems and they opposed the legislation. Vendors who wish to sell collectible beer may obtain a one-day license if they desire. The committee did not feel that a special exception was warranted just for this event. Vote 15-0.

**HB 680**, relative to foreign insurers. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Gene B. Marshall for Commerce: This bill protects New Hampshire insurance consumers by requiring that re-insurers not operating in New Hampshire under regular licensing and supervisory provisions provide certain guarantees before availing themselves of New Hampshire courts or administrative proceedings. They have the option to become licensed or, alternatively, they may post a security bond sufficient to secure the payment of any final judgement that may ensue. The Insurance Department supports this bill. Vote 13-0.

#### **Amendment (0811h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to foreign reinsurers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Foreign Reinsurers. Amend RSA 405:47 by inserting after paragraph II the following new paragraphs:

III. Before any unauthorized reinsurer files or causes to be filed any pleading in any court action or an appearance in response to any court action or administrative proceeding, such reinsurer shall either:

(a) Deposit with the clerk of the court in which such action, suit or proceeding is pending, or with the commissioner in administrative proceedings, cash or securities or bond with good and sufficient sureties to be approved by the court, or the commissioner, in an amount to be fixed by the court or the commissioner sufficient to secure the payment of any final judgment which may be rendered in such court proceeding or in such administrative proceeding; or

(b) Procure a license to transact reinsurance business in this state.

IV. The court in any action, suit, or proceeding or the commissioner in any administrative proceeding referred to in paragraph III of this section, may, in its or his or her discretion, order such postponement as may be necessary to afford the reinsurer reasonable opportunity to comply with paragraph III of this section and to defend such court action or administrative proceeding.

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill clarifies the statute relative to security provisions for foreign reinsurers.

**HB 702, making revisions to the consumer protection act. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: On January 25th, the House adopted HB 109, which established a committee to study the consumer protection effort in New Hampshire. Subsequently the Commerce Committee received HB 702, which would have included professionals, including lawyers, under the provisions of the Consumer Protection Act. The amendment to HB 702 will add to the duties of the HB 109 study committee. With this change, the committee will review all of the entities that are exempt from the Consumer Protection Act. Vote 11-0.

**Amendment (0788h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duties of the committee to study the consumer protection effort in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Duties. Amend 2001, HB 109 by replacing section 3 with the following:

3 Duties. The committee shall:

I. Assess the scope of need for consumer protection within New Hampshire; the ability of the attorney general's consumer protection bureau to meet this need; and any appropriate changes in funding, staffing, and/or agency structure that would better protect the state's consumers.

II. Study transactions that are exempt from RSA 358-A, the consumer protection act.

2 Contingency. If HB 109 of the 2001 legislative session becomes law, section 1 of this act shall take effect at 12:01 a.m. on the effective date of HB 109. If HB 109 does not become law, section 1 of this act shall not take effect.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill adds a duty to review the exemptions to the state consumer protection act to the committee to study the consumer protection effort in New Hampshire established by HB 109 of the 2001 legislative session.

**HB 731-FN, relative to securities laws. OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill is a comprehensive update and simplification of the law under which the Secretary of State's Office regulates the sale of securities (stocks, bonds, mutual funds, etc.) in New Hampshire. Since coming under the supervision of the Secretary of State, the Office of Securities Regulation is self-funding and contributes to the general fund. Some of these changes have the potential to increase efficiency and flow of income. The Secretary of State and the Director of Securities Regulation support the bill and no one appeared to oppose it. Vote 12-0.

**Amendment (0511h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Securities; Definition of Agent. Amend RSA 421-B:2, II (e) to read as follows:

(e) Effecting other transactions, if such individual is an officer or director of the issuer, no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, and upon application, such individual is specifically authorized by name in an order issued by the secretary of state. ~~[A Form U-4 as prepared by the National Association of Securities Dealers and the Securities and Exchange Commission shall be filed and authorization obtained from the secretary of state before any offers are made.]~~

2 Securities; Definition of "Federal Covered Advisor". Amend RSA 421-B:2, V-d to read as follows:

V-d. "Federal covered adviser" means a person who is ~~[(i)]~~ registered under section 203 of the Investment Advisers Act of 1940 ~~[(or (ii) is excluded from the definition of "investment adviser" under section 202(a)(11) of the Investment Advisers Act of 1940)].~~

3 Securities; Advisory Activities; Regulating Conduct of Investment Adviser Agents; Requiring Disclosure of Certain Material Facts; and Permitting Automatic Deduction of Investment Adviser Fees From Client Accounts in Certain Circumstances. Amend RSA 421-B:4 to read as follows:



## 421-B:4 Advisory Activities.

I. It is unlawful for any person who receives any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale whether through the issuance of analyses or reports or otherwise:

(a) To employ any device, scheme, or artifice to defraud another person; or

(b) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person.

II. It is unlawful for any investment adviser *or investment adviser agent* to enter into, extend, or renew any investment advisory contract the terms of which are in contravention of such rules as the secretary of state may adopt as necessary or appropriate in the public interest or for the protection of investors.

III. It is unlawful for any investment adviser *or investment adviser agent* to take or have custody of any securities or funds of any client in contravention of such rules as the secretary of state may adopt as necessary or appropriate in the public interest or for the protection of investors.

IV. It shall constitute a fraudulent, deceptive, or manipulative act, practice, or course of business within the meaning of paragraph I for any investment adviser *or investment adviser agent* who has custody or possession of any funds or securities in which any client has any beneficial interest, to do any act or take any action, directly or indirectly, with respect to any such funds or securities, unless:

(a) All such securities of each such client are segregated, marked to identify the particular client who has the beneficial interest therein, and held in safekeeping in some place reasonably free from risk of destruction or other loss; and

(b) All such funds of such clients are deposited in one or more bank accounts which contain only clients' funds, such account or accounts are maintained in the name of the investment adviser as agent or trustee for such clients, and the investment adviser maintains a separate record for each such account which shows the name and address of the bank where such account is maintained, the dates and amounts of deposits in and withdrawals from such account, and the exact amount of each client's beneficial interest in such account; and

(c) Such investment adviser, immediately after accepting custody or possession of such funds or securities from any client, notifies such client in writing of the place and manner in which such funds and securities will be maintained, and thereafter, if and when there is any change in the place or manner in which such funds or securities are being maintained, gives each such client written notice thereof; and

(d) Such investment adviser sends to each client, not less frequently than once every 3 months, an itemized statement showing the funds and securities in the custody or possession of the investment adviser at the end of such period, and all debits, credits, and transactions in such client's account during such period; and

(e)(1) All such funds and securities of clients are verified by actual examination at least once during each calendar year by an independent public accountant at a time that shall be chosen by such accountant without prior notice to the investment adviser. A certificate of such accountant stating that an examination of such funds and securities has been made, and describing the nature and extent of the examination, shall be attached to a completed Form ADV-E (17 C.F.R. 279.8) and transmitted to the secretary of state promptly after each examination.

(2) Subparagraph IV(e)(1) shall not apply to an investment adviser also registered as a broker-dealer under section 15 of the Securities Exchange Act of 1934 if (i) such broker-dealer is subject to and in compliance with Rule 15c3-1 (Reg. 240.15c3-1, 25,126) under the Securities Exchange Act of 1934, or (ii) such broker-dealer is a member of an exchange whose members are exempt from Rule 15c3-1 (Reg. 240.15c3-1, 25,126) under the provisions of paragraph (b)(2) thereof, and such broker-dealer is in compliance with all rules and settled practices of such exchange imposing requirements with respect to financial responsibility and the segregation of funds or securities carried for the account of customers.

*(f)(1) Direct deduction (automatic payment) of investment adviser fees from a client account to the investment adviser does not constitute custody of client funds if:*

*(A) The client provides written authorization permitting the adviser's fees to be paid directly from the client's account held by an independent custodian.*

*(B) The adviser sends to the client and the custodian at the same time, a bill showing the amount of the fee, the value of the client's assets on which the fee was based, and the specific manner in which the adviser's fee was calculated.*



(C) *The custodian agrees to send to the client a statement, at least quarterly, indicating all amounts disbursed from the account including the amount of advisory fees paid directly to the advisers.*

(2) *Absent any of the conditions in subparagraphs(f)(1)(A)-(C), the adviser is deemed to have custody of client funds.*

**IV-a. It shall constitute a fraudulent, deceptive, or manipulative act, practice, or course of business within the meaning of paragraph I for any investment adviser licensed or required to be licensed to fail to disclose to any client or prospective client all material facts with respect to:**

(a) *A financial condition of the adviser that is reasonably likely to impair the ability of the adviser to meet contractual commitments to clients, if the adviser has discretionary authority (express or implied) or custody over such client's funds or securities, or requires prepayment of advisory fees of more than \$500 from such client, 6 months or more in advance; or*

(b) *A legal or disciplinary event that is material to an evaluation of the advisers integrity or ability to meet contractual commitments to clients.*

V. A person who is an investment adviser *or investment adviser agent* is a fiduciary and has a duty to act primarily for the benefit of the person's clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor and the clients and the circumstances of each case, an investment adviser *or investment adviser agent* shall not engage in unethical business practices which constitute violations of paragraph I, including the following:

(a) Recommending to a client to whom investment supervisory, management, or consulting services are provided the purchase, sale, or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known by the investment adviser *or investment adviser agent*.

(b) Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.

(c) Introducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives, and character of the account in light of the fact that an adviser in such situations can directly benefit from the number of securities transactions effected in a client's account. This subparagraph appropriately forbids an excessive number of transaction orders to be induced by an *investment adviser or investment adviser agent* for a client's account.

(d) Placing an order to purchase or sell a security for the account of a client without the authority to do so.

(e) Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third party trading authorization from the client.

(f) Borrowing money or securities from a client unless a client is a broker-dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of loaning funds.

(g) Loaning money to a client unless the investment adviser is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment adviser.

(h) Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment adviser, *investment adviser agent*, or any employee of the investment adviser, or misrepresenting the nature of the advisory services being offered or fees to be charged for such services, or omitting to state a material fact necessary to make the statements made regarding qualifications, services or fees, in light of the circumstances under which they are made, not misleading.

(i) Providing a report or recommendation to any advisory client prepared by someone other than the *investment adviser or investment adviser agent* without disclosing that fact. This prohibition does not apply to a situation where the *investment adviser or investment adviser agent* uses published research reports or statistical analysis to render advice or where an adviser orders such a report in the normal course of providing service.

(j) Charging a client an unreasonable advisory fee.

(k) Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the *investment* adviser, *investment adviser agent*, or any of its employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

(1) Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients or such services; and

(2) Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the adviser or its employees.

(l) Guaranteeing a client that a specific result will be achieved, such as gain or no loss, with advice which will be rendered.

(m) Publishing, circulating, or distributing any advertisement which does not comply with Rule 206(4)-1 under the Investment Advisers Act of 1940.

(n) Disclosing the identity, affairs, or investments of any client unless required by law to do so, or unless consented to *in writing* by the client.

(o) Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser *or investment adviser agent* has custody or possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Reg. 206(4)-2 under the Investment Advisers Act of 1940.

(p) Entering into, extending, or renewing any investment adviser contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or non-performance, whether the contract grants discretionary power to the *investment adviser or investment adviser agent*, [and] that no assignment of such contract shall be made by the investment adviser without the *written* consent of the other party to the contract, *or that*:

*(1) Provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client except that this subparagraph shall not:*

*(A) Be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date; or*

*(B) Apply to an investment advisory contract with a person (except a trust, governmental plan, collective trust fund, or separate account), provided that the contract relates to the investment of assets in excess of \$1,000,000, if the contract provides for compensation based on the asset value of the company or fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the secretary of state by rule may specify.*

*(2) The provisions of subparagraph (1) shall not be deemed to prohibit an investment adviser from entering into, performing, renewing or extending an investment advisory contract that provides for compensation to the investment adviser on the basis of a share of the capital gains upon, or the capital appreciation of, the funds, or any portion of the funds, of a client, provided that the client entering into the contract subject to this section is a qualified client defined as:*

*(A) A natural person who or a company that immediately after entering into the contract has at least \$750,000 under the management of the investment adviser.*

*(B) A natural person who or a company that the investment adviser entering into the contract (and any person acting on his behalf) reasonably believes, immediately prior to entering into the contract, either:*

*(i) Has a net worth (together, in the case of a natural person, with assets held jointly with a spouse) of more than \$1,500,000 at the time the contract is entered into; or*

*(ii) Is a qualified purchaser as defined in section 2(a)(51)(A) of the Investment Company Act of 1940 (14 U.S.C. 802-a(a)(51)(A)) at the time the contract is entered into:*

(C) A natural person who immediately prior to entering into the contract is:

(i) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser; or

(ii) An employee of the investment adviser (other than an employee performing solely clerical, secretarial or administrative functions with regard to the investment adviser) who, in connection with his or her regular functions or duties, participates in the investment activities of such investment adviser, provided that such employee has been performing such functions and duties for or on behalf of the investment adviser, or substantially similar functions or duties for or on behalf of another company for at least 12 months.

(3) The secretary of state, by rule, upon his or her own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons or transactions, from subparagraph (1), if and to the extent that the exemption relates to an investment advisory contract with any person that the secretary of state determines does not need the protections of subparagraph (1), on the basis of such factors as financial sophistication, net worth, knowledge of and experience in financial matters, amount of assets under management, relationship with a licensed investment adviser, and such other factors as the secretary of state determines are consistent with this paragraph.

(q) Failing to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material nonpublic information in violation of section 204A of the Investment Advisers Act of 1940.

(r) Entering into, extending, or renewing any advisory contract which would violate section 205 of the Investment Advisers Act of 1940 *and the rules promulgated thereunder*. This provision shall apply to all [advisers registered or required to be registered under the Investment Advisers Act of 1940, notwithstanding whether such adviser would be exempt from federal registration pursuant to section 203(b) of the Investment Advisers Act of 1940] *investment advisers and investment adviser agents licensed or required to be licensed under this chapter*.

(s) Indicating, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of this chapter or of the Investment Advisers Act of 1940 or any other practice that would violate section 215 of the Investment Advisers Act of 1940.

(t) Engaging in any act, practice, or course of business which is fraudulent, deceptive, or manipulative in contravention of section 206(4) of the Investment Advisers Act of 1940, notwithstanding the fact that such investment adviser is not registered or required to be registered under section 203 of the Investment Advisers Act of 1940.

(u) Engaging in conduct or any act, indirectly or through or by any other person, which would be unlawful for such person to do directly under the provisions of this chapter or any rule adopted under it.

The conduct set forth above is not inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices, shall be deemed an unethical business practice. The federal statutory and regulatory provisions referenced in this paragraph shall apply to investment advisers *and investment adviser agents*, regardless of whether the federal provision limits its application to advisers subject to federal registration.

4 Licensing Requirements: Retroactive License. Amend RSA 421-B:6, I-II to read as follows:

I. It is unlawful for any person to transact business in this state as a broker-dealer, issuer-dealer, investment adviser, or agent unless such person is licensed under this chapter. Except with respect to advisers whose only clients are those described in RSA 421-B:2, IX(f), it is unlawful for any federal covered adviser to conduct advisory business in this state unless such person complies with the provisions of RSA 421-B:7, [I-a] *I-b*. An investment adviser representative is required to be licensed as an agent under this section, in addition to any agent license held as a representative of any broker-dealer.

II. It is unlawful for any broker-dealer, issuer-dealer, and investment adviser to employ an agent unless the agent is licensed, or for a federal covered adviser to employ, supervise, or associate with an investment adviser representative having a place of business located in this state, unless such investment adviser representative is licensed as an agent under this chapter, or is exempt from the licensing requirements. Under this chapter, an agent's license is only in effect when such agent is associated with a particular broker-dealer, investment adviser, federal covered adviser, *issuer-dealer*, or a particular issuer. No agent shall at any time represent more than one broker-dealer or issuer-



dealer, except that where broker-dealers or issuer-dealers affiliated by direct common control are licensed under this chapter, an agent may represent any such broker-dealer or issuer-dealer. When an agent begins or terminates those activities ~~which~~ *that* make the person an agent, the broker-dealer, issuer-dealer, *federal covered advisor*, and investment adviser shall promptly notify the secretary of state. When an investment adviser representative begins or terminates employment with a federal covered adviser, the investment adviser representative shall promptly notify the secretary of state.

5 New Paragraph; Securities; Licensing Requirements. Amend RSA 421-B:6 by inserting after paragraph III the following new paragraph:

III-a. A federal covered adviser who has paid a notice filing fee in this state for a particular calendar year and subsequently during that year becomes a state regulated investment adviser licensed in this state, shall not be assessed an additional fee (initial license fee) as it makes the transition to a licensed investment adviser in that year. A state regulated investment adviser who has paid a license fee in this state for a particular calendar year and subsequently during that year becomes a federal covered adviser, shall not be assessed an additional fee (notice filing fee) for the transition to a federal covered adviser in that year.

6 Securities; Licensing Requirements. Amend RSA 421-B:6, V to read as follows:

V.(a) Prior to opening *or closing* a branch office *in this state*, a broker-dealer or investment adviser shall send written notification directly to the secretary of state of the location of the branch office, telephone number, name of the individual supervising the office, *the date of the opening or closing*, and any other pertinent information required by the secretary of state.

(b) *It is prohibited for any branch office or agent of a broker-dealer or investment adviser to conduct a securities or investment advisory business in this state under any name other than that of the broker-dealer or investment adviser with which the branch office is associated or agent is licensed. If more than one business enterprise is conducted from a branch office location, disclosures shall clearly and equally set forth what business activity is conducted by each organization and each licensed agent's relationship to each organization.*

(c) *Each branch office within this state shall be supervised by an on-site manager who shall have qualified as a principal by passing either the Series 8 (now 9 and 10) exam(s) or a principal's exam applicable to the licensee's business conducted at that location. Administration of exams shall be conducted by the National Association of Securities Dealers.*

7 Securities; Licensing Procedure. Amend RSA 421-B:7, I- I-a to read as follows:

I. A broker-dealer, issuer-dealer, agent, or investment adviser may obtain an initial or renewal license by filing with the secretary of state *or his or her designee* an application together with *the fees required by RSA 421-B:31 and* a consent to service of process pursuant to RSA 421-B:30, VII, *and paying any reasonable costs charged by the designee for processing such filings*. The application shall be on a form prescribed by the secretary of state and shall contain whatever information the secretary of state requires concerning such matters as, but not limited to, the applicant's form and place of organization; the applicant's proposed method of doing business; the qualifications and business history of the applicant; in the case of a broker-dealer, issuer-dealer, or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer, issuer-dealer, or investment adviser; and, in the case of an investment adviser, *Form ADV, specimens of investment advisor contracts, and* the qualifications and business history of any employee; any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and the applicant's financial condition and history. The secretary of state may by rule or order require an applicant for initial license to publish an announcement of the application in one or more specified newspapers published in this state. If no denial order is in effect and no proceeding is pending under RSA 421-B:10, licensing becomes effective at noon of the thirtieth day after an application is filed. The secretary of state may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after filing of any amendment.

I-a. *Unless otherwise provided, all investment adviser and investment adviser representative applications, renewals, amendments, reports, notices, related filings and fees required to be filed with the secretary of state pursuant to this chapter and rules adopted thereunder, shall be filed electronically with and transmitted to Investment Adviser Registration Depository (hereinafter referred to as the IARD). The following additional conditions relate to such electronic filings:*



(a) When a signature or signatures are required by the particular instructions of any filing to be made through IARD, a duly authorized officer of the applicant and/or the applicant himself or herself, as required, shall affix his or her electronic signature to the filing by typing his or her name in the appropriate fields and submitting the filing to IARD. Submission of a filing in this manner shall constitute irrefutable evidence of legal signature by any individuals whose names are typed on the filing.

(b) Solely for purposes of a filing made through IARD, a document is considered filed with the secretary of state when all fees are received and the filing is accepted by IARD on behalf of the state.

(c) Any documents or fees required to be filed with the secretary of state that are not permitted to be filed with or cannot be accepted by IARD shall be filed directly with the secretary of state. The application shall not be complete until all documents and fees required by this chapter and rules adopted thereunder have been submitted through the IARD, where possible, or submitted to and received directly by the secretary of state.

(d) There shall be 2 "hardship exemptions" from the requirements to make electronic filings as required by this section:

(1) Temporary hardship exemption:

(A) Investment advisers licensed or required to be licensed under this chapter who experience unanticipated technical difficulties that prevent submission of an electronic filing to IARD may request a temporary hardship exemption from the requirements to file electronically.

(B) To request a temporary hardship exemption, the investment adviser shall:

(i) File Form ADV-H (17 CFR 279.3) in paper format with the administrator where the investment adviser's principal place of business is located, no later than one business day after the filing that is the subject of the Form ADV-H was due; and

(ii) Submit the filing that is the subject of the Form ADV-H in electronic format to IARD no later than 7 business days after the filing was due.

(C) The temporary hardship exemption will be deemed effective upon receipt by the secretary of state of the complete Form ADV-H. Multiple temporary hardship exemption requests within the same calendar year may be disallowed by the secretary of state.

(2) Continuing hardship exemption:

(A) A continuing hardship exemption shall be granted only if the investment adviser is able to demonstrate that the electronic filing requirements of this rule are prohibitively burdensome.

(B) To apply for a continuing hardship exemption, the investment adviser shall:

(i) File Form ADV-H (17 CFR 279.3) in paper format with the secretary of state at least 20 business days before filing is due; and

(ii) If a filing is due to more than one administrator, the Form ADV-H shall be filed with the administrator where the investment adviser's principal place of business is located. The administrator who receives the application shall grant or deny the application within 10 business days after the filing of Form ADV-H.

(C) An exemption is effective upon approval by the secretary of state. The time period of the exemption may be no longer than one year after the date on which the Form ADV-H is filed. If the secretary of state approves the application, the investment adviser shall, no later than 5 business days after the exemption approval date, submit filings to IARD in paper format (along with the appropriate processing fees) for the period of time for which the exemption is granted.

(3) The decision to grant or deny a request for a hardship exemption shall be made by the administrator where the investment adviser's principal place of business is located, which decision shall be followed by the secretary of state.

(e)(1) An investment adviser shall file with IARD, in accordance with the instructions in the Form ADV, any amendments to the investment adviser's Form ADV. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment.

(2) An investment adviser representative is under a continuing obligation to update information required by Form U-4 as changes occur. An investment advisor representative and the investment adviser shall file promptly with IARD any amendments to the representative's Form U-4.

(3) *Within 90 days of the end of the investment adviser's fiscal year, an investment adviser shall file an updated Form ADV with IARD.*

(f)(1) *By June 30, 2001, each investment adviser licensed or required to be licensed under this chapter shall resubmit its Form ADV electronically (if it has not previously done so) with IARD unless it has been granted a hardship exemption under this section.*

(2) If the amendment to Form ADV is made after June 30, 2001, or at an earlier date if an investment adviser has filed its Form ADV (17 CFR 279.1), or any amendments to Form ADV, electronically with IARD, the licensee shall file amendments to Form ADV required by this paragraph electronically with IARD, unless it has been granted a hardship exemption under this paragraph.

(g) *By June 30, 2001, for each investment adviser representative licensed or required to be licensed under this chapter, Form U-4 must be resubmitted electronically if it has not previously been done with IARD, unless the investment adviser, filing on behalf of the investment adviser representative, has been granted a hardship exemption under this paragraph.*

**I-b.** Except with respect to federal covered advisers whose only clients are those described in RSA 421-B:2, IX(f), a federal covered adviser shall file with the secretary of state *or his or her designee*, prior to acting as a federal covered adviser in this state, a notice, which shall consist of a copy of the most recent complete Form ADV filed with the Securities and Exchange Commission (SEC) and a Form U-2, and shall pay initial and annual fees in accordance with 421-B:31. Initial fees shall be paid before business is transacted in this state, and annual fees shall be paid on or before December 31 of the current year for the ensuing year. Federal covered advisers shall submit copies to the secretary of state of all documents filed with the Securities and Exchange Commission pursuant to the securities laws within 10 business days of their submission to the Securities and Exchange Commission. *Documents and fees that are accepted by IARD may be submitted through IARD. Other documents filed or deemed filed with the SEC shall be submitted directly to the secretary of state. Until IARD provides for the filing of Part 2 of Form ADV, the secretary of state shall deem filed Part 2 of Form ADV if a federal covered adviser provides, within 5 days of a request, Part 2 of Form ADV to the secretary of state. Because the secretary of state deems Part 2 of the Form ADV to be filed, a federal covered adviser is not required to submit Part 2 of Form ADV to the secretary of state unless requested.*

**I-c.(a)** *The application for withdrawal of licensure as an investment adviser pursuant to Section 204(e) of the Investment Advisers Act of 1940 shall be completed by following the instructions on Form ADV-W. (Notice of Withdrawal from Registration as Investment Adviser) (17 CFR 279.2) and filed upon Form ADV-W with IARD.*

**(b)** *The application for withdrawal of licensure as an investment adviser representative pursuant to Section 204(e) of the Investment Advisers Act of 1940 shall be completed by following the instructions on Form U-5 (Uniform Termination Notice for Securities Industry Registration) and filed upon Form U-5 with IARD.*

8 New Paragraph; Securities; Licensing Procedure; Examination Requirement for Investment Advisor Licensees. Amend RSA 421-B:7 by inserting after paragraph VI the following new paragraph:

VII.(a) Each applicant for individual broker-dealer licensure or licensure as an agent of a broker-dealer shall provide the secretary of state with proof of obtaining a passing score on the Uniform Securities Agent State Law Examination (Series 63 examination) or the Uniform Combined State Law Examination (Series 66 examination).

(b) Each applicant for individual investment adviser licensure, investment adviser agent licensure, or investment adviser representative licensure shall provide the secretary of state with proof of obtaining a passing score on one of the following examination requirements:

(1) The Uniform Investment Adviser Law Examination (Series 65 examination); or

(2) The General Securities Representative Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination).

(c)(1) Any individual who was registered or licensed as an investment adviser, investment adviser agent, or investment adviser representative in any jurisdiction in the United States on January 1, 2000 shall not be required to satisfy the examination requirements for investment adviser licensure in this state, except that the secretary of state may require additional examinations for any individual found to have violated any state or federal securities law.

(2) Any individual who has not been registered or licensed in any jurisdiction for a period of 2 years shall be required to comply with the examination requirements.

(d) The examination requirement shall not apply to an individual who upon application holds one of the following professional designations:

(1) Certified Financial Planner (CFP) awarded by the Certified Financial Planning Board of Standards, Inc.;

(2) Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, Pennsylvania;

(3) Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;

(4) Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;

(5) Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.; or

(6) Such other professional designation as the secretary of state may by rule or order recognize.

9 Securities; Required Records. Amend RSA 421-B:8, XII(c)(14) to read as follows:

(14)(A)(i) A copy of each written statement and each amendment or revision thereof, given or sent to any client or prospective client of such investment adviser ~~[and a record of the dates that each written statement, and each amendment or revision thereof, was given, or offered to be given, to any client or prospective client who subsequently becomes a client.];~~

*(ii) Any summary of material changes that is required by Part 2 of Form ADV but is not contained in the written statement; and*

*(iii) A record of the dates that each written statement, each amendment or revision thereto, and each summary of material changes was given or offered to any client or to any prospective client who subsequently becomes a client.*

*(B) A memorandum describing any legal or disciplinary event listed in Item 8 of Part 2A or Item 3 of Part 2B of Form ADV and presumed to be material, if the event involved the investment adviser or any of its supervised persons and is not disclosed in the written statements described in subparagraph XII(c)(14)(A). The memorandum shall explain the investment adviser's determination that the presumption of materiality is overcome, and shall discuss the factors described in those items.*

10 New Subparagraph; Securities; Required Records. Amend RSA 421-B:8, XII(c) by inserting after subparagraph (15) the following new subparagraph:

(16) Copies, with original signatures of the investment adviser's appropriate signatory and the investment adviser representative, of each initial Form U-4 and each amendment to Disclosure Reporting Pages (DRPs U-4) must be retained by the investment adviser (filing on behalf of the investment adviser representative), and shall be made available for inspection upon regulatory request.

11 Securities; Written Disclosure Statement. RSA 421-B:8, XIII is repealed and reenacted to read as follows:

XIII.(a)(1) Unless otherwise provided in this section, an investment adviser licensed or required to be licensed under this chapter shall, in accordance with the provisions of this section, furnish each advisory client and prospective advisory client with a written disclosure statement which may be a copy of Part II of its Form ADV or written documents containing at least the information then so required by Part II of Form ADV, and such other information as the secretary of state may require. When Form ADV, Part 2 replaces Form ADV, Part II, each investment adviser shall furnish each advisory client and prospective advisory client with a firm brochure and one or more supplements as required by this section. The brochure and supplements shall contain all information required by Part 2 of Form ADV, (17 C.F.R. 279.1), and such other information as the secretary of state may require.

(2) An investment adviser shall deliver:

(A) The current brochure required by this section to a client or prospective client, and

(B) The current brochure supplements for each investment adviser representative who will provide advisory services to the client. For purposes of this section, an investment adviser representative shall provide advisory services to a client if the investment adviser representative will:



- (i) Regularly communicate investment advice to that client; or
- (ii) Formulate investment advice for assets of that client; or
- (iii) Make discretionary investment decisions for assets of that client; or
- (iv) Solicit, offer or negotiate for the sale of or sell investment advisory services.

(3) An investment advisor shall deliver the disclosure statement required by this section to an advisory client or prospective advisory client not less than 48 hours prior to entering into any investment advisory contract with such client or prospective client, or at the time of entering into any such contract, if the advisory client has the right to terminate the contract without penalty within 5 business days after entering into the contract.

(b) Any disclosure statement requested in writing by an advisory client pursuant to an offer required by this subdivision shall be mailed or delivered within 7 days of the receipt of the request.

(c) If the adviser is the general partner of a limited partnership, the manager of a limited liability company, or the trustee of a trust, then for purposes of this section the investment adviser shall treat each of the partnership's limited partners, the company's members, or the trust's beneficial owners as a client. For purposes of this section, a limited liability partnership or limited liability limited partnership is a "limited partnership."

(d) If an investment adviser renders substantially different types of investment advisory services to different advisory clients, the investment adviser may provide them with different disclosure documents or brochures, provided that each client receives all applicable information about services and fees. The brochure delivered to a client may omit any information required by Part 2A of Form ADV if such information is applicable only to a type of investment advisory service or fee that is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client.

(e) The investment adviser shall amend its brochure and any brochure supplements and deliver the amendments to clients promptly when information contained in the brochure or brochure supplements becomes materially inaccurate. The instructions to Part 2 of Form ADV contain updating and delivery instructions that the investment adviser shall follow. An amendment will be considered to be delivered promptly if the amendment is delivered within 30 days of the event that requires the filing of the amendment.

(f) Nothing in this paragraph shall relieve any investment adviser from any obligation pursuant to any provision of this chapter or the rules and regulations thereunder or other federal or state law to disclose any information to its advisory clients or prospective advisory clients not specifically required by this paragraph.

(g)(1) If the investment adviser is a sponsor of a wrap fee program, then the brochure, required to be delivered by subparagraph XIII(a) to a client or prospective client of the wrap fee program, must be a wrap fee brochure containing all information required by Form ADV. Any additional information in a wrap fee brochure shall be limited to information applicable to wrap fee programs that the investment adviser sponsors.

(2) The investment adviser does not have to offer or deliver a wrap fee brochure if another sponsor of the wrap fee program offers or delivers to the client or prospective client of the wrap fee program a wrap fee program brochure containing all the information the investment adviser's wrap fee program brochure must contain.

(3) A wrap fee brochure does not take the place of any brochure supplements that the investment adviser is required to deliver under this paragraph.

(h) All investment advisers licensed or required to be licensed under this chapter must deliver to each of their clients their current brochure and all required brochure supplements within 30 days from the date of effectiveness of Part 2 of Form ADV.

(i) For the purpose of this paragraph:

(1) "Current brochure" and "current brochure supplement" mean the most recent revision of the brochure or brochure supplement, including all subsequent amendments (i.e., stickers).

(2) "Entering into" in reference to an investment advisory contract, does not include an extension or renewal without material change of any such contract which is in effect immediately prior to such extension or renewal.

(3) "Sponsor" of a wrap fee program means an investment adviser that is compensated under a wrap fee program for sponsoring, organizing, or administering the program, or for selecting, or providing advice to clients regarding the selection of other investment advisers in the program.



(4) "Wrap fee program" means an advisory program under which a specified fee or fees, not based directly upon transactions in a client's account, is charged for investment advisory services (which may include portfolio management or advice concerning the selection of other investment advisers) and the execution of client transactions.

12 Securities; Post-Licensing Provisions; Limitation on Scope of Investment Advisor Discretion. Amend RSA 421-B:8, XVI(e) to read as follows:

(e) *For purposes of this rules an investment advisor shall not be deemed to be exercising discretion when it places trade order with an broker-dealer, pursuant to a third party trading agreement if:*

(1) *The investment advisor has executed a separate investment advisor contract exclusively with its client which acknowledges that a third party trading agreement will be executed to allow the investment adviser to effect securities transactions for the client in the client's broker-dealer account;*

(2) *The investment adviser contract specifically state the client does not grant discretionary authority to the investment adviser, and the investment adviser in fact does not exercise discretion with respect to the account; and*

(3) *A third party trading agreement is executed between the client and a broker-dealer which specifically limits the investment adviser's authority in the client's broker-dealer account to the placement of trade orders and deduction of investment adviser fees.*

(f) Every investment adviser that has its principal place of business in a state other than this state shall maintain such minimal capital as required by the state in which the investment adviser maintains its principal place of business, provided the investment adviser is licensed in such state and is in compliance with such state's minimal capital requirements.

13 Examination of Financial Affairs. Amend the introductory paragraph of RSA 421-B:9, I to read as follows:

I. For the purpose of determining the financial condition, fulfillment of its contractual obligations, and compliance with the law, whenever the secretary of state shall deem it expedient, ~~[he]~~ *the secretary of state* shall examine, either in person or by some examiner duly authorized ~~[by him]~~ the affairs, transactions, accounts, records, documents, and assets of each licensed broker-dealer, investment adviser, or issuer-dealer as to any matter relevant to the financial affairs or obligations of the broker-dealer, investment adviser, or issuer-dealer or any other fact relative to its business methods, management and its dealings with clients, as often and to the extent ~~[he deems]~~ *deemed* advisable. Except as otherwise provided, ~~[he]~~ *the secretary of state* shall examine each domestic broker-dealer, investment adviser, or issuer-dealer *at least once every 4 years* and domestic branches of ~~[foreign]~~ broker-dealers ~~[or investment advisers]~~ at least once every ~~[4]~~ *6* years. Examination of an alien broker-dealer, investment adviser, or issuer-dealer shall be limited to its broker-dealer, investment adviser, or issuer-dealer transactions, assets, trust deposits, and affairs in the United States except as otherwise required by the secretary of state.

14 Securities; Registration Requirement and Notice of Filing of Securities; Preemption of State Securities Registration Requirements. RSA 421-B:11, I-b is repealed and reenacted to read as follows:

I-b.(a) Whenever it appears to the secretary of state that a particular security or transaction offered or sold in this state has not been preempted by federal law or regulation from the registration requirements of this section, the secretary of state may issue an order requiring any person who claims the benefit of federal preemption with respect to the security or transaction to prove that the registration requirement of this section has been preempted. The order shall be calculated to give reasonable notice of the time and place for the hearing, which shall be held within 10 days of the issuance of the order, and shall state the reasons for the entry of the order.

(b) All hearings shall be conducted in accordance with this chapter. After the hearing, the secretary of state shall enter an order making such disposition of the matter as the facts require. If the person claiming the benefit of federal preemption fails to appear at a hearing of which he has been duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the order, the allegations of which may be deemed to be true. The secretary of state may adopt rules of procedure concerning all proceedings conducted pursuant to this section.

(c) In any judicial or administrative proceeding under this chapter, the burden of proving an exemption, preemption or an exception from a definition is upon the person claiming it.

(d) Qualification for any of the notice filing provisions of RSA 421-B:11, I-a is predicated upon compliance with federal law, and associated regulations, cited in each provision, including but not limited to the timely filing of Form D with the Securities and Exchange Commission.

15 Securities; Financial Statements; Electronic Filing System. Amend RSA 421-B:15, II-a to read as follows:

II-a. Every corporation and partnership having securities registered in this state shall, within 120 days after the close of its fiscal year, file with the secretary of state annually a financial statement audited and certified by an independent certified public accountant. The audited statement shall be prepared in accordance with generally accepted accounting principles and such other standards as the secretary of state shall adopt by rule. Issuers of securities registered under this chapter shall also provide quarterly financial reports within 60 days of the end of each quarter to their shareholders, partners, and members. Such quarterly reports need not be independently audited. *Filings may be made through the Securities and Exchange Commission's EDGAR system.* The secretary of state may extend the time for filing such statement for good cause shown.

16 Securities; Exemptions; Filing of Offering/Disclosure Documents with the Secretary of State. Amend RSA 421-B:17, II(1) to read as follows:

(1) The issuance and delivery of any securities of one corporation to another corporation or its securities holders in exchange for the acquisition by the issuer or a subsidiary of the issuer of all or substantially all of the assets of such other corporation, or in connection with a consolidation or merger of such corporation or a share exchange between the issuer or a subsidiary of the issuer and such other corporation, provided that the secretary of state has been furnished with a general description of the transaction, *with the documents to be distributed to offerees*, and with such other information as he prescribes by rule not less than 10 business days prior to such issuance and delivery.

17 Administration. Amend RSA 421-B:21, I to read as follows:

I. This chapter shall be administered by the secretary of state *who may appoint a deputy to administer the provisions of this chapter*. The secretary of state shall, to the greatest extent practical, physically and substantively consolidate the activities and functions related to corporations, limited partnerships, and other business organizations and entities administered by the department of state with the activities and functions related to the registration of securities.

18 Repeal. The following are repealed:

I. RSA 421-B:9, VII, relative to examination charges for broker-dealers.

II. RSA 421-B:13, I-a, relative to registration by coordination.

19 Effective Date. This act shall take effect 60 days after its passage.

**HB 745-FN**, revising Article 9 of the Uniform Commercial Code and related statutes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The Uniform Commercial Code (U.C.C.) is constantly being updated across the country. All businesses must comply with the U.C.C. HB 745 addresses provisions in Article 9 of the U.C.C. as it applies to secured transactions. The legislation as amended excludes an assignment of a health care insurance receivable or an assignment, transfer or creation of a security interest. It establishes fee schedules for the filing and indexing of a record or financial statement with the Secretary of State. Under Chapter 454-C, the Secretary of State must maintain a consolidated index of certain liens affecting personal properties. Vote 12-0.

#### Amendment (0530h)

Amend RSA 382-A:9-406(i) as inserted by section 25 of the bill by replacing it with the following:

(i) Inapplicability. This section does not apply to:

(1) an assignment of a health-care-insurance receivable; or

(2) an assignment or transfer of or creation of a security interest in:

(A) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. §104(a)(1) or (2), as amended from time to time; or

(B) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. §1396p(d)(4), as amended from time to time.

Amend RSA 382-A:9-525(a) as inserted by section 25 of the bill by replacing it with the following:

(a) Initial financing statement or other record: general rule. Except as otherwise provided in subsection (c), the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection (b), is the amount specified in subsection (c), if applicable, plus:

- (1) \$48 if the record is communicated in writing and consists of not more than 2 pages; or
- (2) \$83 if the record is communicated in writing and consists of more than 2 pages; or
- (3) \$48 if the record is communicated by another medium authorized by filing-office rule.

Amend RSA 382-A:9-525(i) as inserted by section 25 of the bill by replacing it with the following:

- (i) Allocation of fees. Fees collected under this section shall be allocated as follows:

(1) \$18 of each fee collected under subsection (a) or (b), to the general fund as unrestricted revenue;

(2) \$15 of each fee collected under subsection (a) or (b) for any filing associated with an initial financing statement that shows a mailing address in this state for the first-listed debtor, to the clerk of the town or city shown in such mailing address, provided such clerk is at the time of such filing in compliance with subsection (j); and

(3) all remaining amounts collected under subsections (a), (b), (c), (d), (g), or (h), for the purposes specified in Section 9-527(a).

Amend the bill by replacing section 42 with the following:

42 New Chapter; Personal Property Lien Index. Amend RSA by inserting after chapter 454-B the following new chapter:

#### CHAPTER 454-C

#### PERSONAL PROPERTY LIEN INDEX

##### 454-C:1 Index of Liens.

I. The secretary of state shall maintain a consolidated index of certain liens affecting personal property and filed with the secretary of state and city and town clerks. The liens to be included in the index are as follows:

- (a) Federal tax liens (RSA 454-B);
- (b) State tax liens (RSA 21-J:28-c);
- (c) Aircraft registration fee liens (RSA 450:4);
- (d) Writs of attachment (RSA 511:23 and RSA 511-A:5);
- (e) Child support liens (RSA 458:17);
- (f) Housing finance authority liens (RSA 204-C:19);
- (g) Hazardous waste liens (RSA 147-B:10-b);
- (h) Employment security liens (RSA 282-A:143 & 165);
- (i) State Food Security Act liens (RSA 439);
- (j) Manufactured housing tax liens (RSA 72:7-a);
- (k) Road toll liens (RSA 260:63); and
- (l) Creditor's bill liens (RSA 498:14).

II. The index shall include the following information with regard to each such lien, or any full release thereof:

- (a) Name and address of every debtor;
- (b) Name and address of first-listed lienor;
- (c) Type of lien and statutory authority;
- (d) Location of filing of lien;
- (e) Date and time of filing of lien or full release; and
- (f) File number, if any.

454-C:2 Notice of Filing or Full Release. Any person or agency filing such a lien, or a full release of such a lien, with the secretary of state or a city or town clerk shall submit with the lien or release documentation a notice of filing of lien or notice of full release of lien, as applicable, on a form prescribed by the secretary of state, containing the information specified in RSA 454-C:1, II(a) through (c). The secretary of state or the city or town clerk that receives the filing shall enter on the notice the information specified in RSA 454-C:1, II(d) through (f). If a federal agency files such a lien or full release with a city or town clerk without an accompanying notice of filing or full release, the clerk shall complete a notice of filing or full release, as appropriate.

##### 454-C:3 Entry of Information in Index.

1. Except as otherwise provided in RSA 454-C:7, whenever any such lien, or a full release of any such lien, is filed with the secretary of state, an image of the notice of filing or full release, or the information contained in such notice, shall be entered in the index within 3 business days.

II. Except as otherwise provided in RSA 454-C:7, and only as to federal, state, and manufactured housing tax liens, whenever any such lien, or a full release of any such lien, is filed



with a city or town clerk, the clerk shall within 2 business days transmit to the secretary of state, by mail or other medium prescribed or authorized by the secretary of state, a copy of, or an electronic record of all information contained in, the notice of filing of lien or notice of full release of lien submitted by the person or agency filing the lien or release pursuant to RSA 454-C:2. The term "business day" as used in the preceding sentence shall mean a day on which the clerk's office is open for business. Only the notice itself or electronic record thereof shall be so transmitted, not the other lien documentation filed with the notice. The secretary of state within 3 business days of such receipt shall enter an image of the notice or the information contained therein in the index, and shall periodically transmit to each such clerk an acknowledgment of receipt of such notices or electronic records. Pursuant to the statutes providing for the filing of each type of lien listed in RSA 454-C:1, I, no such liens other than federal, state, and manufactured housing tax liens will be filed with city or town clerks subsequent to the effective date of this chapter.

454-C:4 Period of Retention. The secretary of state shall maintain the image of the notice or the information therefrom regarding each lien and any full release thereof in the index until at least the earlier of one year after the secretary of state receives a full release or notice of full release of the lien, or the expiration of the time period noted herein for each category of lien:

I. Federal tax liens (RSA 454-B) – 12 years from date of filing or latest refiling;

II. State tax liens (RSA 21-J:28-c) – 7 years from date of filing;

III. State Food Security Act liens (RSA 439) – one year from lapse;

IV. All other liens – 12 years from date of filing.

454-C:5 Request for Information. Any response to a request to the secretary of state for information on a particular debtor made under RSA 382-A:9-523(c), (f), (g), or (h), shall include at a minimum the date and time of filing of every lien against that debtor included in the index. The response shall include information on all such liens as to which either the lien itself (in the case of a lien filed with the secretary of state) or a notice of filing of lien (in the case of a lien filed with a city or town clerk) was received on or before a date specified in the response, which shall not be a date earlier than 3 business days before the request for information was received. The response shall also specify the beginning date of the period covered by the report. If requested, the response shall also include copies of all or any specified lien notices or documentation on file with the secretary of state.

454-C:6 Extension of Time Periods. The time periods specified in RSA 454-C:3 and RSA 454-C:5 are subject to extension for reasons set forth in RSA 382-A:9-524.

454-C:7 Transition Period.

I. "Pre-effective-date" with regard to a lien means filed with the secretary of state or a city or town clerk on or after July 1, 1996, and before July 1, 2001.

II. Not later than June 30, 2003, city and town clerks shall prepare and transmit to the secretary of state a notice of filing for every pre-effective-date federal tax lien not lapsed or fully released as of the date of such transmission, such notice of filing to be on a form prescribed by the secretary of state and containing the information specified in RSA 454-C:1, II; or, if authorized by the secretary of state, an electronic record containing such information. No city or town clerk shall have any liability on account of any error in preparing or transmitting such notices or electronic records. The secretary of state shall transmit to each such clerk an acknowledgment of receipt of such notices or electronic records, and not later than June 30, 2006, shall enter in the index the information specified in RSA 454-C:1, II regarding each such lien, or an image of the notice of filing thereof.

III. Not later than June 30, 2006, the secretary of state shall also enter in the index equivalent information or images regarding all pre-effective-date liens of all types originally filed with the secretary of state and not lapsed or fully released as of the date of such entry. Prior to the date of such entry, the secretary of state shall include all applicable information on any such liens not yet entered in the index in any response to a request for information made under RSA 382-A:9-523(c), (f), (g), or (h).

IV. Notwithstanding the provisions of RSA 454-C:3, whenever a full release of any pre-effective-date federal, state, or manufactured housing tax lien is filed with a town or city clerk, and (in the case of federal tax liens) a notice of filing of such lien or electronic record thereof has not previously been transmitted to the secretary of state pursuant to paragraph II, such clerk shall remove the lien being released from the file, and shall not forward the notice of full release to the secretary of state; and whenever a full release of any pre-effective-date lien of any type is filed with the secretary of state, and information regarding such lien has not previously been entered in the index



pursuant to paragraph III, the secretary of state shall remove the lien being released from the file, and shall not enter an image of the notice of full release, or the information contained therein, in the index.

454-C:8 Rules. The office of the secretary of state may adopt and publish rules to implement this chapter. Such rules shall not be subject to the provisions of RSA 541-A.

### **HB 753, relative to exemptions from issuer dealer licenses for the sale of securities. OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill makes minor wording changes to current law to provide more flexibility in applying securities licensing requirements in start-up situations and very small offerings. The changes are supported by the Director of Securities Regulation, (Secretary of State's Office) in furtherance of a recommendation of the Governor's Committee on Revenues. There was no opposition to the bill. Vote 12-1.

#### **Amendment (0708h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraphs; Applications for Issuer-Dealer Licenses for Certain Securities Sales. Amend RSA 421-B:6 by inserting after paragraph I the following new paragraphs:

I-a. In connection with an offering of securities made pursuant to section 18(b)(4)(D) of the Securities Act of 1993 that requires only a notice filing in this state pursuant to RSA 421-B:11, I-a(e), a completed application for licensure as an issuer-dealer, an agent of an issuer-dealer and for an agent of the issuer, or authorization without licensure for an officer or director pursuant to RSA 421-B:2, II(e), shall be filed with the secretary of state no later than 15 days after the first sale of securities in this state, and the license or authorization will become effective without further action or review by the secretary of state. Provided that the application is complete and accompanied by the appropriate fees, the effective date of the license or authorization shall for all purposes be the date of first sale as certified by the issuer in such issuer-dealer license application.

I-b. The applications referred to in paragraph I-a shall set forth and be limited to the name of the issuer, the state of the issuer's formation, a description of the securities sold, the date of first sale of such securities in this state, the name or names of the representative or representatives of the issuer who are engaged in the sale of the securities, and confirmation that no agent has been convicted of a felony. The applications need only be signed by that person or those persons who are authorized to do so by the issuer's board of directors or other governing body. At the same time, the issuer shall submit a consent to service of process pursuant to RSA 421-B:30, VII, and shall pay the fees required by RSA 421-B:31. Each application shall be on a form prescribed by the secretary of state, consistent with the provisions of this section.

2 New Paragraph; Exemptions From Issuer-Dealer Licensing Requirements by Secretary of State. Amend RSA 421-B:6 by inserting after paragraph VII the following new paragraph:

VII-a. The secretary of state shall have the authority to issue orders exempting otherwise non-exempt sales of securities from the issuer-dealer and issuer-dealer agent licensing requirements of RSA 421-B:6 if the secretary of state determines:

(a) That all or substantially all of the proposed sales of securities fall within one or more of the exemptions set forth in:

- (1) RSA 421-B:17; or
- (2) RSA 421-B:6; and

(b) That granting the exemption will be consistent with the purposes fairly intended by the policy and provisions of this title.

3 Securities Sales Transactions Exempted From Registration. Amend RSA 421-B:17, II(a) to read as follows:

(a) Any isolated sales, whether or not effected through a broker-dealer, provided that no person shall make more than [5] 10 sales, in total, of securities of the same issuer, in all jurisdictions combined, other than to those designated in RSA 421-B:17, I(h), II(g), II(l) and II(p)(1), during any period of 12 consecutive months; provided further that in the case of sales by an issuer, except sales of securities registered under the Securities Act of 1933 or exempted by section 3(b) of that act, the seller reasonably believes that all buyers are purchasing for investment. *The secretary of state, on a case by case basis, may by rule or order increase the number of persons to whom sales may be made under this exemption.*

4 Effective Date. This act shall take effect July 1, 2001.

**HB 481**, relative to access to certain communications common carrier records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill, as amended, allows the NH Attorney General or his designee, to obtain certain information from communications common carriers (telephone companies, wireless telephone companies) that is now available from hard wired telephone companies only, by administrative subpoena (RSA 7:6-b). This legislation mirrors federal law and is limited in nature. The original bill was broader in scope and the committee felt that the amendment narrows and refines the areas of information that can be provided. Vote 15-2.

**Amendment (0862h)**

Amend RSA 7:6-b, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) The telephone number or other subscriber number or identity.

Amend RSA 7:6-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The attorney general may delegate authority under this section to any assistant attorney general. Where the offense under investigation is defined in RSA 318-B or RSA 649-B, the attorney general may delegate authority under this section to a county attorney. A county attorney may further delegate authority under this section to any assistant county attorney in the county attorney's office. The county attorney may exercise this authority only in cases within the jurisdiction of that county attorney. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Circumstances under which an assistant attorney general, a county attorney, or an assistant county attorney may issue such demands to communications common carriers under this section.

(b) The procedures for applying for such demands.

(c) The records of such demands which shall be kept and maintained.

**AMENDED ANALYSIS**

This bill revises the provisions permitting the attorney general to gain access to records of communications common carriers.

**HB 659-FN**, relative to penalties for attempting to purchase firearms illegally. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill, as amended, provides that a convicted felon who attempts to purchase a firearm by completing the application form shall be guilty of a class B felony. This provision mirrors the current federal law that is seldom enforced. It also requires notification by the court to the petitioner with a restraining order if a person, prohibited from purchasing a firearm under the domestic violence restraining order, attempts to purchase or obtain a firearm in violation of the protective order. This notification is in addition to the prosecution that is already required under paragraph 1 of RSA 159-D:3. Vote 13-1.

**Amendment (0540h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Convicted Felons; Attempt to Purchase Firearm. Amend RSA 159:3 by inserting after paragraph I the following new paragraph:

I-a. A person is guilty of a class B felony if such person completes and signs an application for purchase of a firearm and the person is a convicted felon under the provisions of paragraph I.

2 New Paragraph; Protection from Domestic Violence; Relief; Notice Requirement Inserted. Amend RSA 173-B:5 by inserting after paragraph IX the following new paragraph:

IX-a. If a criminal records check conducted by the department of safety indicates that a potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a protective order issued under this chapter, the department of safety shall notify the administrative office of the courts of the denial. The administrative office of the courts shall immediately notify the plaintiff that the defendant has attempted to purchase or obtain a firearm in violation of the protective order.

3 Effective Date. This act shall take effect January 1, 2002.

**AMENDED ANALYSIS**

This bill provides that a convicted felon who attempts to purchase a firearm shall be guilty of a class B felony. The bill also requires that the administrative office of the courts notify a plaintiff of a failed attempt by a defendant to purchase or obtain a firearm.

**HB 764-FN**, relative to interference with custody. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Beth Rodd for Criminal Justice and Public Safety: Currently, anyone who knowingly takes, detains or conceals a child under 18 from its parent or guardian or another person having lawful physical custody of such child can be convicted of a class B felony only if the child is taken beyond the borders of the state. The penalty, a class B felony, is expanded to the same violation occurring within state boundaries. The amendment also exempts personnel in law enforcement and health and human services in the conduct of their lawful duties. Vote 17-0.

#### **Amendment (0817h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Interference With Custody; Felony Level Offense. Amend RSA 633:4, I to read as follows:

I.(a) A person is guilty of a class B felony if such person knowingly takes from this state or entices away from this state any child under the age of 18, or causes any such child to be taken from this state or enticed away from this state, with the intent to detain or conceal such child from a parent, guardian or other person having lawful physical custody or physical custodial rights as described in RSA 458:17, IV.

*(b) A person is guilty of a class B felony if such person knowingly takes, entices away, detains, or conceals any child under the age of 18, or causes such child to be taken, enticed away, detained, or concealed, with the intent to detain or conceal such child from a parent, guardian, or other person having lawful physical custody of such child. This subparagraph shall not apply to law enforcement personnel or department of health and human services personnel engaged in the conduct of their lawful duties.*

2 Effective Date. This act shall take effect January 1, 2002.

#### **AMENDED ANALYSIS**

This bill adds a felony level offense for interference with custody in circumstances where a child is detained or concealed from a parent, guardian, or other person having lawful physical custody of such child, and where such child is not taken from the state.

**HB 412**, establishing a committee to study the granting of state franchise rights to providers of on-line education courses. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Alger for Education: This amended bill adds a study of online education to the Public Higher Education Study Committee. By so doing, a separate study committee is avoided and a proper objective is added to an already formed committee. Vote 16-0.

#### **Amendment (0595h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Public Higher Education Study Committee; Duties Amended. Amend RSA 187-A:28-c by inserting after paragraph I the following new paragraph:

I-a. In addition to the duties set forth in paragraph I, the committee shall study the feasibility of granting state franchise rights to the providers of on-line education courses which may include but is not limited to, the institutions of the university system of New Hampshire and the regional community-technical college system. The committee may consult with any individual or organization with information or expertise relevant to this aspect of the committee's duties.

2 Report. The committee shall include, in the next report to the general court due after the effective date of this act, a report of its findings and recommendations relative to the feasibility of granting state franchise rights to the providers of on-line education courses as set forth under RSA 187-A:28-c, I-a.

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires the public higher education study committee to study the feasibility of granting state franchise rights to the providers of on-line education courses and requires that the committee include, in its next regularly scheduled report to the general court, its findings and recommendations on this matter.



**HB 415**, establishing a committee to study the use of state bond moneys to fund new high school construction. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: This bill establishes a study on the use of state bond issues for new high school construction. School construction and building aid are already established as a topic for further study by the existing Adequacy Commission. The committee felt that there was no need for an additional study. Vote 14-2.

**HB 646**, relative to an exemption for pupils scoring at the advanced level on the verbal portion of the state assessment test. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: This bill would have allowed any 10th grade pupil scoring at the "advanced" level in the reading and language arts portion on the statewide improvement and assessment instrument to petition the local school board for an exemption from the remainder of the high school English requirement. The committee believed unanimously that the possibility of "opting out" of 11th and 12th grade language arts would be an educational loss. The additional enrichment of 11th and 12th grade reading and language arts is beneficial to students. Additionally, it was pointed out in testimony that college entrance requirements call for four years of high school English. Vote 19-0.

**HB 150**, relative to voter checklist information. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The sponsor asked to have the bill found Inexpedient to Legislate. Vote 17-0.

**HB 154**, relative to candidates of parties nominated by nomination papers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Election Law: This bill, as amended, removes the option of political parties and political organizations to place names on the ballot after the primary election. The wording of the amendment is, word for word, the language of HB 572. Combining HB 154 and HB 572 creates a bill that surpasses either of the parts individually and levels the playing field for parties and political organizations. Candidates will continue to apply to run in the general election by receiving primary election write-in votes. Vote 18-0.

#### Amendment (0600h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 7:

2 Nominations for Incompatible Offices; Filling Vacancies. Amend RSA 659:91 to read as follows:

659:91 Nominations for Incompatible Offices. Any person who is nominated by the same political party for incompatible offices shall notify the secretary of state no later than the Monday following the date of the primary of which nomination he *or she* will accept. Thereupon the secretary of state shall declare a vacancy to exist in the nomination which such person declined. The vacancy shall *not* be filled [as provided in RSA 655:37 except that all the necessary declarations of candidacy and affidavits shall be filed no later than the second Friday following the date of the primary].

3 Candidate of One Party; Disqualification; Reference Deleted. Amend RSA 659:91-a, II to read as follows:

II. [~~Notwithstanding the provisions of RSA 655:37;~~] If any candidate is disqualified from accepting the nomination of another party by means of write-in votes because the candidate is disqualified under the provisions of paragraph I, then the nomination shall be given to the candidate who received the highest number of write-in votes and who was not disqualified under the provisions of paragraph I, so long as he or she receives 10 write-in votes, or write-in votes equaling 10 percent or more of the total votes cast for that party on the state primary election ballot, whichever is the smaller.

4 Vacancies Among County Officers; Reference Changed. Amend RSA 661:9, II(c) to read as follows:

(c) The provisions of RSA 655:32 [~~and RSA 655:37~~] relating to nominations by appropriate party committees for vacancies in an office on a primary [~~or general~~] election ballot[, ~~respectively.~~] shall apply to vacancies to be filled under this paragraph.



5 Jurisdiction of Ballot Law Commission; Objection to Filling of Vacancy; Reference Changed. Amend RSA 665:4, II to read as follows:

II. When nomination papers as provided in RSA 655:40-43 or the filling of vacancies in nominations occurring after the primary as provided in RSA 655:[37] 38-39 are in apparent conformity with law, they shall be valid unless written objection thereto shall be filed with the secretary of state within the time limit provided in RSA 655:44 in the case of nominations by nomination papers or within 3 days of the date on which the appointment to fill a vacancy is filed with the secretary of state in the case of filling vacancies in nominations. If written objections are filed, the secretary of state shall forthwith notify the ballot law commission of the filing. The ballot law commission shall then meet as provided in RSA 665:6-a in order to hear and decide all the objections. The decision of the ballot law commission in such case shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

6 Repeal. RSA 655:37, relative to vacancy for office on party ticket, is repealed.

#### AMENDED ANALYSIS

This bill requires that a political party nominated by nomination papers submit its list of candidates for the general election to the secretary of state no later than 5:00 p.m. on the day of the primary. This also bill repeals the provision permitting parties to fill vacancies existing on a party ticket following the state primary election.

**HB 220**, relative to primary election candidates. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The intent of this bill was to include members of political organizations (parties other than republican and democratic) in the sore loser law. The committee feels we addressed this situation in HB 154. Vote 17-0.

**HB 224**, relative to persons who may sign nomination papers. **OUGHT TO PASS**

Rep. Douglass P. Teschner for Election Law: This bill clarifies an ambiguity in the law, which has resulted from the same day voter registration. By changing the word "qualified" to "registered" the law will be clear that only citizens who are registered can sign nomination papers. The need for this clarification became apparent as a result of a case taken to the ballot law commission. Vote 17-0.

**HB 268**, relative to apportioning presidential electors. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Election Law: Currently the presidential candidate with the most votes cast statewide receives all four of the state's electoral votes. This bill would break down the electoral votes into congressional districts as is done in two other states, Maine and Wisconsin. The winner of the state would get two electoral votes (or to be precise, two electors committed to him or her) but conceivably the other two votes could be split depending on the results from the congressional districts. In fact, this would have happened in each of the past three elections. Since Bush and Gore split the two congressional districts in 2000, Bush would have received three of the state's electors and Gore one. While the committee thought this was an interesting concept, the sentiment "if it ain't broke, don't fix it" prevailed. There was also some concern that splitting the electoral votes would dilute the state's influence in a close election and perhaps discourage candidates from coming here. Vote 16-2.

**HB 391**, establishing a commission to review the state's election laws and balloting procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bragdon for Election Law: The committee has retained another bill relating to the state's election laws and feels the issues addressed by this bill would be addressed with the retained bill. Vote 18-0.

**HB 430**, establishing a commission to study the feasibility of implementing a computerized voter registration system. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The committee agrees with the sponsor's intent that a statewide-computerized checklist system would solve many current election law concerns. This is an issue that has been studied by the committee numerous times over the years. The committee will file legislation later this month that will address this issue in a proactive manner. Vote 18-0.

**HB 441**, relative to qualifications of candidates. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Election Law: This bill would require that candidates swear that they have been domiciled in the state for a certain period of time. The domicile issue has created considerable confusion and the committee has elected to review this issue in HB 137. Vote 18-0.

**HB 572**, relative to vacancies for office on a party ticket. **INEXPEDIENT TO LEGISLATE**  
Rep. Douglass P. Teschner for Election Law: This bill was added, word for word, as the amendment to HB 154. By combining the two bills, we have created a bill which is fair for both political parties and political organizations. Vote 18-0.

**HB 373**, relative to requirements for a private detective's license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill, as amended, increases the principal sum of the required surety bond from \$10,000 to \$50,000 for each type of license held by any person licensed under RSA 106-F:9. In addition, any person who operates as a bail recovery agent shall maintain liability insurance coverage in accordance with RSA 597:7-b,II. This includes private detective agencies that conduct bail recovery activities. Language which lowered the requirements for licenses was excluded in the amendment. Vote 15-0.

#### **Amendment (0852h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to surety bonds for detective agencies and security services.

Amend the bill by replacing all after the enacting clause with the following:

1 Surety Bond. Amend RSA 106-F:9 to read as follows:

106-F:9 Surety Bond.

*I. The surety bond required by this section shall be so conditioned that the person bonded shall conduct his or her business in a lawful and honest manner without committing, compounding, aiding or abetting the commission of any criminal offense. Said bond shall be filed with and kept by the secretary of state and shall be subject to being sued upon by the attorney general of the state in the name of the state or sued upon by any person injured by a breach of any condition of such bond designed to protect such person. The principal sum of the bond shall be [~~\$10,000~~] **\$50,000**, which shall be increased by [~~\$10,000~~] **\$50,000** for each additional type of license held by any person licensed under this chapter.*

*II. Any person licensed under this chapter who operates as a bail recovery agent shall maintain liability insurance coverage in accordance with RSA 597:7-b, II.*

2 Detective Agencies Included. Amend RSA 597:7-b, II to read as follows:

*II. Any person who operates as a recovery agent in this state, excluding licensed private detectives, shall be trained and certified through a program approved by the Professional Bail Agents of the United States and shall register annually with the secretary of state. The secretary of state shall issue to each registered recovery agent proof of such registration. Effective July 1, 2000, each bail agency operating in this state, **including private detective agencies under RSA 106-F which conduct bail recovery activities**, shall annually provide to the secretary of state proof of liability insurance coverage in the amount of \$300,000 for bail recovery activities of the agency's bail agents and bail recovery agents. This proof of insurance coverage shall be provided before the agency's bail agents are licensed or relicensed, and before the agency's bail recovery agents are registered or reregistered. Bail recovery agents acting as independent contractors shall provide proof of liability insurance coverage in the amount of \$300,000 to the secretary of state before registration or reregistration. Any person who operates as a recovery agent in this state without meeting such certification, insurance, and registration requirements shall be guilty of a class A misdemeanor.*

3 Effective Date. This act shall take effect July 1, 2001.

#### **AMENDED ANALYSIS**

This bill increases the surety bond for detective agencies and security services from \$10,000 to \$50,000. This bill requires private detectives who operate as bail recovery agents to have liability insurance coverage.

**HB 387**, relative to the regulation of dentistry by the board of dental examiners. **OUGHT TO PASS**  
Rep. Judson K. Dexter for Executive Departments and Administration: This bill deals with patient protection at two levels. First, it tightens educational requirements for licensure in New Hampshire. Second, it expands the dental board's authority to investigate complaints concerning office procedures used in patient care. The bill is supported by the Board of Dentistry and the Dental Society. Vote 18-0.

**HB 464**, encouraging all state departments to improve efficiencies with the goal of a 25 percent budget reduction, adjusted for inflation, by 2005. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G Robertson for Executive Departments and Administration: This bill encourages all state departments to improve efficiency with a goal of a 25% budget reduction, adjusting for inflation by the year 2005. The committee, while agreeing that cost reduction in spending and efficient work procedure is the direction to take, felt that this bill was too restrictive before a complete study was completed. A blanket 25% reduction in costs in four years could cause irreparable harm to important state departments. It was also felt that another bill under consideration would gather the information necessary to recommend possible budget reduction. Vote 16-1.

**HB 477-FN**, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill gives members with 20 years creditable service in group I and beneficiaries of members who retire under RSA 100-A:5,I or RSA 100-A:6,I and whose retirement allowance is less than \$8,500.00 a one time supplemental allowance to bring it up to \$8,500.00 annually. For beneficiaries of eligible members the \$8,500.00 will be multiplied by the ratio of the beneficiary's retirement allowance to the members retirement allowance. It was the committee's intent with the amendment to preserve the policy requirement of 20 years service for special benefits such as these and medical benefits. Vote 17-0.

#### **Amendment (0822h)**

Amend RSA 100-A:41-c, I as inserted by section I of the bill by replacing it with the following:

I. An eligible retired group I member of the New Hampshire retirement system whose annual retirement allowance is less than \$8500 shall receive a one-time supplemental allowance sufficient to provide an annual allowance of \$8500. An eligible retired group I member shall be a member, or beneficiary of such member, who retired with at least 20 years of creditable service under RSA 100-A:5, I, or member, or beneficiary of such member, who retired under RSA 100-A:6, I.

**HB 502**, establishing a state government reorganization task force. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill establishes a task force to study how to increase state government efficiency and productivity. While the idea of making government perform at the highest level was appealing to the committee, it was felt that another bill under consideration could accomplish the same end. The committee also felt the task force of 25 would be difficult to manage and it would be hard to develop any consensus. Vote 18-0.

**HB 510**, establishing a commission to assess increasing government efficiency through the expansion of interstate computer networks. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill would establish a commission to assess increasing state government efficiency through the expansion of interstate computer networks and other improvements to technical services and electronic infrastructure. The committee determined that this bill's mandate would be met by the governor's information technology strategic planning commission comprised of leaders from the public and private sector. In addition, other bills under consideration by the committee will address some of the issues in this bill. Vote 17-1.

**HB 511**, relative to continuing medical education requirements for physicians. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: This bill would have removed the authority of the board of medicine to audit the continuing education credits of their licensees and permanently transfer that authority to the New Hampshire Medical Society, a voluntary membership association. The committee recognized that this auditing procedure had been delegated to the New Hampshire Medical Society by the board of medicine over twenty years ago and heard from a majority of physicians that they have performed admirably. Although the committee felt that the authority to perform this auditing or to delegate this work to others should remain with the board of medicine by statute, it also recognized that the New Hampshire Medical Society had made a considerable investment in both hardware and software and should have an opportunity to recoup its investment. The amendment allows the New Hampshire Medical Society to continue this service until January 1,



2007 and to collect the fees for doing so. The amendment also sets a rate of licensing fee at 125% of cost, sets the standards for auditing, and prohibits the New Hampshire Medical Society from using any information from this program to promote the self interest of the society. As of January 1, 2007, the board of medicine may opt to perform the continuing education function itself, or delegate this procedure to the New Hampshire Medical Society or another qualified designee. Vote 18-0.

#### **Amendment (0651h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Physicians and Surgeons; Continuing Medical Education Requirement. Amend RSA 329:16-g to read as follows:

329:16-g Continuing Medical Education Requirement. As a condition of renewal of license, the board shall require each licensee to show proof at least every 3 years that the licensee has completed an approved continuing medical education program within the preceding 3 years. For the purposes of this section, an approved continuing medical education program is a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national, state or county medical society or college or university approved by the board. *There shall be a complete audit of all continuing education credits annually by the New Hampshire Medical Society until January 1, 2007, and by the board or their designee thereafter. The board shall accept verification of continuing medical education for licensees from the New Hampshire Medical Society until January 1, 2007. The fee charged to licensees for continuing medical education verification shall not exceed 125 percent of the actual cost of providing the service. The New Hampshire Medical Society is prohibited from using any information from this program for promotional purposes or any other purpose not necessary for continuing education verification.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires physicians licensed by the board of medicine to submit a continuing medical education form to the New Hampshire Medical Society on or before February 28 of each year, unless the licensee has completed the continuing medical education requirement for the 3-year period in a previous year. The New Hampshire Medical Society shall verify continuing medical education requirements of licensees until January 1, 2007.

**HB 584-FN-A**, relative to the registration and licensure of OHRV dealers and rental agents. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: This bill was sent to the Executive Departments and Administration Committee as a second committee. The committee agreed with the Transportation Committee that this bill would alleviate the possibility of misuse of plates on off road recreational vehicles. The amendment clarifies the use of decals instead of plates on snowmobiles and requires that the executive director adopt rules pursuant to RSA 541A by changing the word "may" to "shall". Vote 17-0.

#### **Amendment (0808h)**

Amend the introductory paragraph of RSA 215-A:23, IV-a as inserted by section 4 of the bill by replacing it with the following:

IV-a. Rental agency registration - \$58 for each set of decals.

Amend RSA 215-A:26, V as inserted by section 5 of the bill by replacing it with the following:

*V. The executive director shall adopt rules pursuant to RSA 541-A relative to the application for, further definitions, licensing requirements, design of, issuance, denial or revocation of, dealer or rental agent plates or decals.*

**HB 630**, establishing a committee to study ayurvedic health care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: The amendment replaces the entire bill and will establish a study committee to examine if there is a need for regulation of alternative health professions, such as reflexology, aromatherapy, ayurvedic medicine, herbology, etc. One area to review could include establishing a multi-specialty board to include many alternative specialties. Alternative health care is growing rapidly and the state should be prepared to meet the needs of our citizens. Vote 17-0.



**Amendment (0544h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. The committee may seek input from the commissioner of the department of health and human services or other department officers, the members of the board of medicine, or any other interested persons.

III. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall examine the need for the regulation of professions which are alternative or complementary to existing regulated health professions in this state. The committee may develop a proposal for the regulation of such professions.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions.

**HB 657, relative to bail recovery agents. INEXPEDIENT TO LEGISLATE**

Rep. Robert K. Dodge for Executive Departments and Administration: Bail recovery agents are employed by bail bondsmen and, as employers, they are responsible for any actions of their agents. In addition, RSA 597:7-b, II requires certification of bail recovery agents by the professional bail agents of the United States. RSA 597:7-b, II also requires proof of \$300,000 liability insurance coverage by the bail agency. It was the feeling of the committee that inasmuch as bail bondsmen are independent contractors, it was not appropriate for the state to dictate whom they hire. Vote 16-0.

**HB 727, making certain changes concerning the authority and operation of the port authority. OUGHT TO PASS**

Rep. Marion J. Pawlek for Executive Departments and Administration: The purpose of this bill is to grant the port authority general rulemaking authority and establish an advisory committee to review applications for loan funding. This action will allow the port authority to move forward in an expedient manner to better manage its affairs and develop policies that will enhance the operations of the port. Vote 18-0.

**HB 738, establishing a commission to assess the operating efficiency of state government. OUGHT TO PASS WITH AMENDMENT**

Rep. Carl G. Robertson for Executive Departments and Administration: The committee saw this bill as an opportunity to complement the search for ways to fund education. It is a unique proposal in the sense that the commission will make use of previous studies, private money and trained expertise to accomplish its task. The amendment defines the scope of the proposed commission, which will be a comprehensive study of all branches of government with defined task and specified time limits. The commission will try to identify organization weaknesses that hamper efficiency of work, quality of service and cost effectiveness. The information gathered by the commission should lay the foundation for the possible restructuring of state government organization and provide the public with a better product by controlling spending. Vote 17-0.

**Amendment (0188h)**

Amend subparagraph I(e) as inserted by section 3 of the bill by replacing it with the following:  
 (e) Assess the administrative efficiency, public accountability and effectiveness of the executive, legislative and judicial branches of state government.

(f) Focus on the need for every executive agency, board, and commission with regard to 3 key areas:

- (1) The need for each agency, board and commission;
- (2) Public accountability and effectiveness of each agency, board and commission; and
- (3) The general administrative efficiency of each agency, board and commission.

**HB 206-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The Committee felt that this was a great opportunity to accommodate giving in a positive fashion and represented the primary reason for establishing a dedicated fund. Vote 21-0.

**HB 288-FN**, relative to the licensure of interpreters for the deaf and hard of hearing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Finance: The amendment adds the NH League for the Hard of Hearing to the list of organizations cooperating in providing interpreters to persons communicating with deaf and hard of hearing persons. The Department of Education states that this bill will not increase state expenditures or revenues. Vote 21-0.

**Amendment (0648h)**

Amend RSA 326-I:4, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Cooperating with the New Hampshire Registry of Interpreters for the Deaf, the New Hampshire Association of the Deaf, Self Help for the Hard of Hearing of New Hampshire, the New Hampshire League for the Hard of Hearing, the department of education, division of vocational rehabilitation, and interpreting agencies to provide access to the services of interpreters to persons communicating with deaf and hard of hearing persons.

**HB 305-FN-A**, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief. **OUGHT TO PASS WITH AMENDMENT**

Rep. O. Alan Thulander for Finance: This bill establishes a dedicated fund whose purpose is to receive a gift of \$21,000 more or less from Operation Game Thief, Inc., a 501 (c) (3) corporation, to assure the continuation of its mission to pay monetary rewards to those persons notifying the Fish and Game Department of illegal acts within the department's jurisdiction. The amendment sunsets the dedicated fund when the funding is depleted. Thereafter, to continue the program the department would be required to follow normal budget procedures. Vote 20-0.

**Amendment (0637h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Operation Game Thief. Amend RSA 207 by inserting after section 61 the following new subdivision:

**Operation Game Thief**

207:62 Operation Game Thief; Fund Account Established. The state treasurer shall establish a separate nonlapsing account within the fish and game fund to be known as the operation game thief account to which moneys obtained by the fish and game department shall be applied, including any federal moneys which become available and all donations received for such purpose. The moneys in this account including accrued interest, shall be used exclusively for, and shall be continually appropriated to, the administration and participation in Operation Game Thief.

2 Certification of Date of Repeal. The executive director of fish and game shall certify to the secretary of state and the director of legislative services the date that the fund account established in RSA 207:62 as inserted by section 1 of this act does not contain sufficient funds for the continued administration of Operation Game Thief by the department. The administration and participation of the department in Operation Game Thief shall cease upon such date.

3 Repeal. RSA 207:62, relative to Operation Game Thief, is repealed.

## 4 Effective Date.

I. Section 3 of this act shall take effect on the date certified in section 2 of this act.

II. The remainder of this act shall take effect July 1, 2001.

## AMENDED ANALYSIS

This bill establishes a dedicated fund for certain fish and game funds to be expended for the purpose of Operation Game Thief. The fund is repealed when sums in the fund are insufficient for continued administration of Operation Game Thief.

**HB 539-FN-A**, creating certain positions within the division of forests and lands and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: Division I has already added two forest rangers to the Department of Resources and Economic Development budget for FY 02 and FY 03 and also has funded the forest planner with general funds rather than federal funds which are due to end as of September 1, 2001. If federal funds can be found then a forest data analyst will be added. \$376,000 for the biennium was also added for the University Cooperative Extension for forestry work through the committee of forests and lands in accordance with RSA 227-1:2 (c). Therefore the sponsors and the division agree there is no need for this bill. Vote 22-0.

**HB 547-FN**, authorizing participation in a regional electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill enables the New Hampshire Department of Transportation to implement "E-Z Pass" through an interagency agreement with the other northeastern states. The recent decision by the State of Maine to change their turnpikes over to "E-Z Pass" has made the use of this system for New Hampshire an even better financial system.

"E-Z Pass" is the electronic toll collecting through a vehicle transponder and a credit card account. The transponder is provided gratis when the account is established. A CMAQ grant will pay for 80% of the initial implementation costs of \$6.8 million. \$2 million has been included in the budget proposal from the Finance Committee. The Department of Transportation estimates about seven to ten years' payback for the money invested in reconfiguring some of the tollgates.

An important concept in this proposal is the escaped costs of not adding new tollbooths. At our busiest locations there are long backups in the toll lines on certain busy days. By installing "E-Z Pass" in a tollgate we will double the traffic flow through it. This ability to escape building a new gate is worth \$400,000 plus the cost of adding 3000 feet of paved lane in each direction. Also the areas where additional lanes would be needed would require filling of wetlands, something to be avoided.

The downside of installing "E-Z Pass" is it makes it less likely that we will be eliminating tolls. The latest from the acting commissioner of DOT is that the \$62 million in tolls is not something their budget can do without. Vote 21-0.

## Amendment (0841h)

Amend the bill by replacing section 1 with the following:

I New Subdivision; Regional Electronic Toll Collection Authorized. Amend RSA 237 by inserting after section 9 the following new subdivision:

## Regional Electronic Toll Collection

237:9-a Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of transportation.

II. "Department" means the department of transportation.

III. "Electronic toll collection system" means a system for electronically transmitting information from a device on a vehicle to receiving equipment in a toll collection facility, which information is used to charge a valid account holder the appropriate toll or charge for use of the turnpike system.

IV. "E-Z Pass" means a regional system of electronic toll collection operated by the members of the E-Z Pass Interagency Group, or when the context requires, means the registered service mark "E-Z Pass."

V. "Interagency group" means the agencies of this or any other state that have mutually agreed to operate the E-Z Pass regional electronic toll collection system by use of similar practices, procedures, and toll collection equipment.



VI. "Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

237:9-b Regional Electronic Toll Collection Authorized. The commissioner is hereby authorized to execute all documents and perform all other acts necessary to enter into and carry out the provisions of a regional electronic toll collection system agreement with the Interagency Group in order to increase the efficiency of turnpike operation and to improve traffic management in the state and region.

237:9-c E-Z Pass Operations Interagency Agreement.

I. The commissioner shall represent the state as a member of the Interagency Group and shall participate in the determination of practices, policies, procedures, and in the selection of equipment and contractors used to provide consistent toll collections throughout the region in accordance with the terms of the Interagency Agreement for Operations, as the same may be amended from time to time.

II. Notwithstanding the variations in physical and operating characteristics of member agencies' toll collection equipment, it shall be the power and duty of the Interagency Group to assure that similar operating parameters and procedures are established to provide for consistent, safe E-Z Pass operation throughout the region.

III. This agreement shall be construed liberally to accomplish its purposes, but in the event a dispute arises, it shall be resolved in accordance with a provision establishing a procedure for the arbitration and resolution of disputes contained in the agreement.

237:9-d Rulemaking. The commissioner may adopt such rules as are necessary to enforce the terms of this agreement, which shall be exempt from the provisions of RSA 541-A and shall have the effect of law, and which shall provide for each of the member states or agencies to collect tolls and perform audits on behalf of the other member states or agencies. Nothing in this section shall be construed to authorize the adoption of rules which alter any existing or establish any new tolls, fees, penalties, or interest charges; provided, however, that the rules may include tolls, fees, penalties, or interest charges which are otherwise provided for by the laws of this state.

237:9-e Confidentiality of Records. Notwithstanding any other provision of law, all information received by the department that could serve to identify vehicles, vehicle owners, or vehicle occupants shall be for the exclusive use of the department for the sole purpose of discharging its duties under this section, and shall not be open to any other organization or person, nor be used in any court in any action or proceeding, unless the action or proceeding relates to the imposition of or indemnification for liability pursuant to this section. If the department makes such information available to another organization or person in the course of discharging its duties under this section, it shall be on the condition that the organization or person receiving such information is subject to the limitations set forth in this section.

237:9-f Immunity. Nothing in this subdivision shall be construed to constitute a waiver of the sovereign immunity of the state, or any other defense, right, immunity, or other protection under law, including any statutory provision, as a result of participation in this agreement.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 New Subparagraph; Administrative Procedure Act Exceptions; Regional Electronic Toll Collection Rules. Amend RSA 541-A:21, I by inserting after subparagraph (x) the following new subparagraph:

(y) RSA 237:9-d, relative to the E-Z Pass Interagency Agreement for Operations.

#### AMENDED ANALYSIS

This bill authorizes participation in a regional electronic toll collection system with the Interagency Group and requires the department of transportation to keep certain information confidential.

**HB 612**, relative to expenditures from the dam maintenance fund by the department of environmental services. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: The Department of Environmental Services requested this bill to allow the department to maintain its dams and impoundments and associated property or contiguous areas, as well as non-contiguous property such as rainfall and steam gauges, with funding from the non-lapsing dam maintenance fund which has revenue adequate to accomplish this addition of responsibility. Vote 22-0.



**CACR 19**, relating to supreme court rules. Providing that supreme court rules may be reviewed by the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: The committee recognized that these issues were addressed in CACR 5, and its companion bill, HB 252. The sponsor of the bill concurred with this, and in executive session moved Inexpedient to Legislate. Vote 16-0.

**HB 231**, relative to assignment of judges. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher P. Reid for Judiciary: The committee is working on broad structural reforms to restore the appropriate checks and balances between the judicial and other branches. We believe that those reforms will result in significant beneficial changes to the operation of the judicial branch. However, there are several reasons why the committee recommends this bill as inexpedient to legislate. First, the bill, as written, is unclear, over broad, and may have unanticipated costs and consequences. Secondly, we think the Superior Court, in the first instance, should be given the opportunity to address the problems this bill is designed to deal with. Finally, we are concerned that passage of this bill will give the false impression that the legislature is attempting to micro-manage the Superior Court. Vote 14-1.

**HB 492**, requiring a clear statement of which justices rendered each supreme court order or opinion. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: The intent of the sponsors was to ensure that Supreme Court opinions clearly identify the role taken by each of the justices involved in a particular decision. A vote to recommend this bill inexpedient to legislate should not be construed as meaning that the committee does not recognize the absolute importance of the courts making a clear statement relative to this matter. However, the committee believes the Court has taken positive steps in this direction, making this bill unnecessary. Vote 13-2.

**HB 533-FN**, relative to disqualification of judges. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: The majority of the committee felt that since impeachment, the judicial branch of government has been working on and implementing rules surrounding disqualification of judges. At this time, it would be in the public's best interest to allow the court's new rules to be fully implemented to determine if they are effective. If a problem exists in the future, a similar type of legislation could be reintroduced at that time. Vote 14-1.

**HB 568**, relative to appointment requirements for judges. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: The committee felt that if we established an age for appointment of judges, it would be discriminatory. However, when a person is appointed as a judge, with experience as a lawyer, the person's wisdom, reasonableness and character should be the standards – not the age of the candidate. Vote 17-1.

**HB 588**, relative to examination of persons called as jurors. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill expands the trial practice of "voir dire" wherein prospective jurors are questioned for bias and/or prejudice. The current practice allows for limited voir dire by the trial judge and attorneys. However, with the exception of homicide cases, voir dire is usually fairly limited by the courts. This bill allows either counsel to do a "liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case" – all under the supervision of the judge. The committee feels that this will allow for juries as neutral as can be had which will enhance the judicial process for all litigants. Vote 14-1.

#### **Amendment (0575h)**

Amend the bill by replacing section I with the following:

1 New Paragraphs; Jurors; Examination. Amend RSA 500-A:12 by inserting after paragraph II the following new paragraphs:

III. The court shall instruct the panel of prospective jurors prior to jury selection as to:

- (a) The nature and purpose of the selection process.
- (b) The nature of the case to be presented.
- (c) The specific issues for resolution.
- (d) A summary of the law to be used in their consideration of the evidence.
- (e) Any controversial aspects of the trial likely to invoke bias.

IV. Counsel for each party shall be allowed a reasonable amount of time to address the panel of prospective jurors for the purpose of explaining such party's claims, defenses, and concerns in sufficient detail to prompt jury reflection, probing, and subsequent disclosure of information, opinion, bias, or prejudices which might prevent a juror from attaining the requisite degree of neutrality required.

V. The trial judge shall examine the prospective jurors. Upon completion of the judge's initial examination, counsel for each party shall have the right to examine, by oral and direct questioning, any of the prospective jurors in order to enable counsel to intelligently exercise both peremptory challenges and challenges for cause. During any examination conducted by counsel for the parties, the trial judge shall permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case. The fact that a topic has been included in the judge's examination shall not preclude additional non-repetitive or non-duplicative questioning in the same area by counsel.

VI. The scope of the examination conducted by counsel shall be within reasonable limits prescribed by the trial judge's sound discretion. In exercising his or her sound discretion as to the form and subject matter of voir dire questions, the trial judge shall consider, among other criteria, any unique or complex elements, legal or factual, in the case and the individual responses or conduct of jurors which may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case. Specific unreasonable or arbitrary time limits shall not be imposed. The trial judge shall permit counsel to conduct voir dire examination without requiring prior submission of the questions unless a particular counsel engages in improper questioning. For purposes of this section, an "improper question" is any question which, as its dominant purpose, attempts to precondition the prospective jurors to a particular result, indoctrinate the jury, or question the prospective jurors concerning the pleadings or the applicable law. A court shall not arbitrarily or unreasonably refuse to submit reasonable written questionnaires, the contents of which are determined by the court in its sound discretion, when requested by counsel.

#### **HB 616, clarifying sessions to be held at the satellite district court in Durham. OUGHT TO PASS WITH AMENDMENT**

Rep. Larry G. Elliott for Judiciary: The majority of the committee believes that it is important to keep the Durham District Court in Durham because this allows the University of New Hampshire to stay on parallel with other college towns in the university system, whereas Plymouth State and Keene State Colleges retained their courts. It is believed that so should Durham. In addition, the committee was convinced, in spite of testimony to the contrary, that there is a possible transportation issue for college students trying to appear in court in Durham and Dover, and some alleged violators could be found guilty if they were unable to appear in court. In addition, the committee found that there would be no additional cost for maintaining the court at its present location, at least in the near future. This statute clarifies and reinforces RSA 502-A:1 relative to the location of the Durham District Court. Vote 18-1.

#### **Amendment (0238h)**

Amend RSA 502-A:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. DOVER-SOMERSWORTH-DURHAM DISTRICT. The Dover-Somersworth-Durham district shall consist of the cities of Dover and Somersworth and the towns of Rollinsford, Durham, Lee, and Madbury. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. ~~[Special sessions of said court for cases arising from the town towns of Durham shall be held at the principal a court location in the town of Durham as the caseload and justice requires. The court shall bear the name of the city or town in which it is located.]~~ *Cases arising from the towns of Durham, Lee, and Madbury shall be held regularly at a court facility in the town of Durham.*

#### **AMENDED ANALYSIS**

This bill clarifies that cases arising from the towns of Durham, Lee, and Madbury are to be heard at the satellite district court in Durham.

**HB 622**, relative to the time period for the executive council to confirm nominees to the Supreme Court **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: Under this bill, whenever the Governor nominates a Supreme Court Justice, there must be a sixty-day period and two public hearings before the Executive Council can vote on the nomination. Vote 14-1.

**HB 703**, relative to durable powers of attorney. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill requires that disclosure statements be read and signed by those who are creating a "durable power of attorney" and by the agent who is about to exercise the durable power. This will make it absolutely clear to the "principal" (the person assigning powers to the agent) exactly what powers and rights they are signing away to another person. The bill also makes the rights and responsibilities of the agent very clear. Vote 16-0.

**Amendment (0653h)**

Amend the bill by replacing sections 1 and 2 with the following:

I New Paragraphs; Prevention of Frauds and Perjuries; Powers of Attorney, Disability or Incompetence of Principal; Gifts; Durable Power of Attorney Document; Notification. Amend RSA 506:6 by inserting after paragraph IV the following new paragraphs:

V. An attorney in fact is not authorized to make gifts to the attorney in fact or to others unless the durable power of attorney explicitly authorizes such gifts.

VI. The following disclosure statement, signed by the principal, shall accompany a durable power of attorney:

**INFORMATION CONCERNING THE DURABLE POWER OF ATTORNEY****THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:**

Notice to the Principal: As the 'Principal,' you are using this Durable Power of Attorney to grant power to another person (called the 'Agent' or 'Attorney in Fact') to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this written Durable Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Under this document, your agent will continue to have these powers after you become incapacitated, and unless otherwise indicated your Agent will have these powers before you become incapacitated. You have the right to retain this Power and not to release this Power until you instruct your attorney or any other person who may hold this Power of Attorney to so release it to your Agent pursuant to written instructions. You have the right to revoke or take back this Durable Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Durable Power of Attorney that you do not understand, you should seek professional advice.

**Principal**

The language required by this paragraph shall not confer any powers to the agent that are not otherwise contained in the durable power of attorney.

VII. An agent, prior to acting in the capacity of agent, shall execute and affix to the power of attorney an acknowledgment in substantially the following form:

I, \_\_\_\_\_, have read the attached power of attorney and am the person identified as the Agent for the Principal. I hereby acknowledge that when I act as Agent or "attorney in fact," I am given power under this Durable Power of Attorney to make decisions about money, property, or both belonging to the Principal, and to spend the Principal's money, property, or both on the Principal's behalf, in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. When acting in the capacity of Agent, I am under a duty (called a 'fiduciary duty') to observe the standards observed by a prudent person, which means the use of those powers that is reasonable in view of the interests of the Principal and in view of the way in which a person of ordinary judgment would act in carrying out that person's own affairs. If the exercise of my acts is called into question, the burden will be upon me to prove that I acted under the standards of a fiduciary. As the Agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the Durable Power of Attorney specifically



gives me the authority to do so. As the Agent, my authority under this Durable Power of Attorney will end when the Principal dies and I will not have authority to manage or dispose of any property or administer the estate unless I am authorized to do so by a New Hampshire Probate Court. If I violate my fiduciary duty under this Durable Power of Attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

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Agent

VIII. Nothing in paragraphs V-XI of this section shall render ineffective a durable power of attorney validly executed under New Hampshire law prior to the effective date of paragraphs V-XI of this section.

IX. A durable power of attorney validly executed under the laws of another state or foreign jurisdiction shall be deemed valid under New Hampshire law. Foreign powers of attorney shall be subject to the provisions of RSA 506:7.

X. A person who seeks to validate or interpret the powers under a durable power of attorney which does not comply with paragraph VI or VII of this section may petition the courts under RSA 506:7.

XI. The failure to meet the requirements of paragraph VI shall not impair the legal validity of an otherwise valid durable power of attorney.

2 Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, IV to read as follows:

IV.(a) The court may hold hearings, make orders and decrees, and take other actions *that are* necessary or proper ~~[to make]~~ *in making* determinations on matters presented by a petition filed under paragraph III.

*(b) When a gift or transfer made by an agent is challenged in a petition filed under paragraph III of this section, the gift or transfer shall be presumed to be lawful if the durable power of attorney is accompanied by the disclosure statement and acknowledgement drafted in accordance with RSA 506:6, VI and VII, and explicitly authorizes such gifts or transfers. However, if the petitioner establishes that the agent made a transfer for less than adequate consideration, and the transfer is not explicitly authorized by a durable power of attorney drafted in accordance with RSA 506:6, VI and VII, the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and was not a result of undue influence, fraud, or misrepresentation.*

**HB 275**, relative to the expenditure of funds received pursuant to the Workforce Investment Act. **OUGHT TO PASS**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee found that this bill was simply a clarification of state legislative branch responsibilities regarding the federal Workforce Investment Act of 1998. This bill merely reaffirms what the Act clearly states; "any funds received by the state under this title shall be subject to appropriation by the state legislature." Vote 11-3.

**HB 614**, relative to certain duties, responsibilities, and authority of the fiscal committee. **OUGHT TO PASS**

Rep. Peter H. Burling for Legislative Administration: After careful review, the committee felt that this legislation is an appropriate vehicle for deleting certain obsolete and redundant references in statute to the fiscal committee. Although amendments were also considered, the committee believed that passing the bill in its current form is the right step at this time. Vote 11-1

**HB 249-L**, relative to the records of property tax abatements. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill established a separate set of "private" records of property tax abatements to be isolated from other tax records and that their content be available to the general public only when approved by the governing body. The committee knows that many reasons for abatements may be personal in nature, but to make those records not easily accessible to the public would violate the right to know law. Vote 12-0.

**HB 381**, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The Supreme Court has been the appointing authority since the creation of the state tax commission in 1911. For the public to have



confidence in the administration of property taxes, the appeal process must be without political influence. Changing the appointment to Governor and Council could erode that impartiality and cause the concern that the board might be influenced either by the tax philosophy of the Executive Branch or the impending reappointment of a board member. The Board of Tax and Land Appeals (BTLA) is currently accountable to all three branches of state government – judicial by appointment, legislative through rulemaking and executive under financial and personnel procedures of the Department of Administrative Services. The committee recognized the current setup and agreed unanimously that the system did not need to be changed. Vote 17-0.

**HB 398**, relative to forest fire warden appointments and associated duties. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Municipal and County Government: The Division of Forests and Lands, under RSA 227-6:3.I (g), is responsible for wild land forest fire control in the state. The bill would have changed the current procedure to require that only the local fire chief could be forest fire warden. Existing statute provides for any citizen or the selectman to recommend names to fill the position of fire warden and deputy under RSA 227-L:7.I. Notices of appointments are forwarded to all fire chiefs and the town selectmen to insure that all fire departments are up to date under the rules of the Department of Resources and Economic Development, Division of Forests and Lands. The committee agrees that the current procedure has support from the majority of the Fire Wardens half of who are local firefighters. Vote 13-2.

**HB 401**, relative to the receipt of information from regional planning commissions by local land use boards. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires that the local land use board respond in writing by certified mail to the regional planning commission upon receipt from the Commission of written comment or testimony to acknowledge that the information has been received. It also requires the board to respond to any issues raised. Currently, the relationship of the regional planning commissions to the local planning boards, as stated in RSA 36:50, is to provide assistance, not to dictate requirements. The committee understands the need for better communication but does not feel that it is necessary or prudent to require the local boards to respond in this manner. Vote 16-1.

**HB 435**, relative to assessment of service charges by municipalities and counties that accept credit cards for payment of local taxes, utility charges, or other fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. William Johnson for Municipal and County Government: Current statutes RSA 29:11-b and RSA 80:52-c authorize municipalities and counties to accept credit cards as means of payment for local taxes and fees. This bill only enables them to use their own discretion regarding whether or not to pass service charges on to the taxpayers, thereby giving local government more flexibility in collection procedures. Vote 15-1.

**Amendment (0636h)**

Amend the bill by replacing sections 1 and 2 with the following:

1 Counties; Payment by Credit Card. Amend RSA 29:11-b to read as follows:

29:11-b Payment by Credit Card. The county commissioners, by rule or regulation may authorize the county treasurer or other appropriate county official to accept payment of local taxes, charges generated by the sale of utility services, or other fees by use of a credit card. Any county adopting such a rule or regulation ~~[shall]~~ *may* add to the amount due, in addition to any penalties and interest payable, a service charge for the acceptance of the card. ~~[The service charge shall be based upon the credit card company's rate and the actual cost to the county for the use of the service.]~~ The county, at the time of billing, shall disclose the amount of the service charge.

2 Municipalities; Payment by Credit Card. Amend RSA 80:52-c to read as follows:

80:52-c Payment by Credit Card. The legislative body, by ordinance adopted in accordance with RSA 39, may authorize the municipality's treasurer or other appropriate municipal official to accept payment of local taxes, charges generated by the sale of utility services, or other fees by use of a credit card. Any municipality adopting such an ordinance ~~[shall]~~ *may* add to the amount due, in addition to any penalties and interest payable, a service charge for the acceptance of the card. ~~[The service charge shall be based upon the credit card company's rate and the actual cost to the municipality for the use of the service.]~~ The municipality, at the time of billing, shall disclose the amount of the service charge.

### **HB 512, relative to off-site improvements imposed on applicants to a planning board. OUGHT TO PASS WITH AMENDMENT**

Rep. Cynthia J. Dokmo for Municipal and County Government: For decades, planning boards have had the authority to require applicants to be responsible for site specific off-site improvements necessitated by a proposed development. Such improvements may include upgrading an access road to the development, a turning lane into the development, drainage work, etc. Many court decisions affirmed this authority.

In 1991, the legislature gave municipalities an additional tool to meet the costs of development by adopting enabling legislation to permit planning boards to assess impact fees to recapture increased costs on capital facilities, which increase is due to the development. This provision was never intended to supplant the authority to assess off-site improvement fees, it was meant to supplement it. In order to underscore this, the enabling statute RSA 674: 21,V included this language "... (I) Neither the adoption of an ordinance shall be deemed to affect existing authority of a planning board over subdivision or site plan review, except to the extent expressly stated in such an ordinance..." In order to properly implement an impact fee, the statute requires that a community develop a capital improvement plan (CIP) and then adopt an impact fee ordinance. This plan requires extensive statistical data collection and can cost upwards of \$100,000 or more to complete. Small communities simply could not afford this cost and therefore most continued to assess costs for specific off-site improvements, rather than impact fees.

In November 2000, in Simonsen v Derry, the Supreme Court overturned the communities' authority to assess off-site improvements if it has not adopted an impact fee ordinance, despite the clear language in the statute to the contrary. As a result, small municipalities now face the prospect of absorbing all costs of development or spending a prohibitive amount to assess such costs. This bill simply asserts the state of the law prior to the Simonsen decision so that site specific off-site improvements can once again be required of applicants for development, without undue financial hardship on the community. Vote 15-1.

### **Amendment (0801h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Local Land Use Planning; Authority for Impact Fee Ordinances. Amend RSA 674:21, V(i) to read as follows:

(i) Neither the adoption of an impact fee ordinance, nor the failure to adopt such an ordinance, shall be deemed to affect existing authority of a planning board over subdivision or site plan review, except to the extent expressly stated in such an ordinance. *The planning board shall, in the course of site plan or subdivision review, have the authority to impose a requirement that a developer, as a condition of approval of such subdivision or site plan proposal, be responsible for the payment of the cost of such developer's proportional share of any off-site improvements that the board determines are necessitated by the development proposal. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance as provided herein. For purposes of this subparagraph "off-site improvements" means an exaction imposed to meet special needs occasioned by a particular application.*

2 New Paragraph; Local Land Use Planning; Authority for Subdivision Regulations. Amend RSA 674:36 by inserting after paragraph III the following new paragraph:

IV. The planning board, in exercising the authority granted under subparagraph II(a), may consider both on-site and off-site improvements. It is expressly provided that a planning board may adopt regulations which provide that in the course of review of a subdivision application, the board may require that a developer or an applicant, as a condition of approval of such subdivision plan proposal, be responsible for the payment of the cost of any on-site improvements as well as the developer's or applicant's proportional share of any off-site improvements that the board determines are necessitated by the development proposal. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance as provided in RSA 674:21.

3 Local Land Use Planning; Authority for Site Plan Review Regulations. Amend the introductory paragraph of RSA 674:44, IV to read as follows:

IV. The site plan review regulations of the planning board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. *The planning board, in exercising this authority, may consider*

*both on-site and off-site improvements. It is expressly provided that a planning board may adopt regulations which provide that in the course of review of a site plan review application, the board may require that a developer or an applicant, as a condition of approval of such site plan proposal, be responsible for the payment of the cost of any on-site improvements as well as the developer's or applicant's proportional share of any off-site improvements that the board determines are necessitated by the development proposal. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance as provided in RSA 674:21. For purposes of this subparagraph "off-site improvements" means an exaction imposed to meet special needs occasioned by a particular application.* The regulations or practice of the planning board:

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides that a planning board shall, in the course of site plan or subdivision review, have authority to require that a developer be responsible for the payment of the cost of any on-site improvements as well as the developer's proportional share of off-site improvements. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance.

#### **HB 527**, relative to limitations on membership of local land use boards. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would prohibit more than one paid municipal employee from being on the planning board, zoning board of adjustment, the building code board of appeals, the heritage commission and the historic district commission. The sponsor of the bill admitted that no problem presently existed with having more than one paid municipal employee on these boards, but that there could be a problem. The committee felt that this bill would take away the flexibility that municipalities presently have with attracting and involving citizens residing in the communities that happen to be police officers, firefighters, school teachers and others that might fall under the law. The committee also felt that many of these boards have a difficult time filling their positions as it is and to restrict those citizens further would not be in the best interest of the communities. Vote 15-1.

#### **HB 626**, relative to an override of the limitation on appropriations by a local legislative body. **INEXPEDIENT TO LEGISLATE**

Rep. Kimberley O. M. Dionne for Municipal and County Government: The sponsor of this bill asked the committee to recommend Inexpedient to Legislate. In addition, an amendment was submitted to fix a perceived problem that was not clearly defined. After lengthy discussion, the committee did not accept the amendment. Vote 17-0.

#### **HB 636**, enabling municipalities to enact "organic zones" that exclude commercial farmers that are not organic certified. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy M. Scovner for Municipal and County Government: The committee felt that not only would this bill create a rift between the two agricultural disciplines, but it would be impossible to monitor. Municipal and County thought that this bill would be costly to the traditional farmer and could possibly add a financial burden to local farmers, possibly putting them out of business. Presently an organic farmer has no limitation as to where they may farm - why limit our traditional farmers? The organic farmers who were against the bill wanted to hold off any legislation until further on-going studies were completed. Vote 16-0.

#### **HB 647-FN-L** relative to the power of governmental entities to appropriate public money. **INEXPEDIENT TO LEGISLATE**

Rep. William Johnson for Municipal and County Government: This bill would prohibit any municipality, county, or school district from appropriating money for any charitable or other private association other than under contractual obligations. While mindful of individual cases involving the lack of adequate monitoring, the committee felt that this was a local issue. Both non-profit service providers and representatives of local government testified that, in the vast majority of cases, local citizens received more value in services than funds given. These private entities are much better positioned to provide services than local government, thereby saving on local taxes. Absent these agencies, these services would fall back on municipalities under the statutory requirements of RSA 165, thereby creating a potential constitutional issue under Article 28-a. The committee agreed with



local officials who felt that this bill would mark an intrusion by the legislature into affairs best determined on a local level. Finally, a representative of the Department of Revenue Administration testified that it would be almost impossible for the department to supervise. Vote 15-1.

**HB 662**, relative to the voluntary merger of contiguous lots. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert W. Brundige for Municipal and County Government: Current law RSA 674:39-a allows any owner of two (2) or more contiguous lots or parcels to merge them for municipal regulation and taxation purposes. No new survey plat need be recorded but a notice to identify the parcels, endorsed in writing by the planning board or its designee, shall be mailed to the municipalities assessing officials. This bill requires a deed or other appropriate instrument for the merger to be recorded in the registry of deeds. Testimony received noted that in RSA 673:39 no such merged parcel shall thereafter be separately transferred without subdivision approval. Therefore, the committee determined safeguards are in place to prevent the merged parcels from being sold separately and this bill is not necessary. Vote 16-1.

**HB 671**, enabling municipalities to adopt a property tax credit based on income for blind, disabled, or elderly taxpayers receiving Social Security income. **INEXPEDIENT TO LEGISLATE**  
Rep. Richard S. Eaton for Municipal and County Government: HB 671 is a bill that allows municipalities to adopt a tax limitation and credit for eligible blind, disabled, or elderly persons. While the committee has a deep concern for the housing of blind, disabled, or elderly persons, there was concern that raising property taxes by adding this tax credit within a town or city to subsidize this problem would be a wrong approach on a statewide basis. Vote 15-2.

**HB 674**, enabling towns and school districts to adopt a policy for the removal of local elected officials for cause. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill would permit the removal of a town or school elected official. The exact procedure for removal would be determined by a vote of the legislative body and would differ from town to town, district to district. Though the committee sympathizes with the frustration of boards when one of its members is consistently absent or acts in a way that may not best serve that board, we also recognize and hold sacred that the official was chosen by the majority of the electorate through an open and fair election process. The committee is loath to create an opportunity to set aside the will of the people by a small group of individuals. Though not intended, the opportunity for mischief is too great. Rather, the committee puts greater faith in the common sense of the electorate to remove an unsatisfactory official at the ballot box when and if that official chooses to run again. Vote 16-0.

**HB 705**, exempting certain disclosures by town officers from confidentiality requirements. **INEXPEDIENT TO LEGISLATE**

Rep. Chandler V. Fairbanks for Municipal and County Government: This bill would have allowed a town or city officer to report to a third party, a wrongdoing that occurred in a non-public meeting. Members were concerned about the term "wrongdoing" being too broad and subjective. The committee also felt this bill would have the effect of seriously compromising the processes of municipalities, and furthermore might lead to individuals disclosing confidential information because of policy disagreements. Vote 16-0.

**HB 723**, relative to vacancies in county offices. **OUGHT TO PASS WITH AMENDMENT**

Rep. William G. Johnson for Municipal and County Government: Currently, vacancies in county offices are filled by appointment by the superior court. The committee agreed with the bill's sponsors that the process belongs closer to the people and open to public scrutiny. This bill changes the process by having the vacancies filled by a vote of the county delegation. The amendment allows any vacancy of the commission districts, if appropriate, to be voted by the delegation members of that district and removes same party requirement. Vote 10-2.

#### Amendment (0774h)

Amend the bill by replacing section 2 with the following:

2 Vacancies Among County Officers; Election by Members of County Convention. Amend RSA 661:9, I-II to read as follows:

I. If a vacancy occurs in the office of county sheriff, county attorney, register of deeds, or county treasurer, the ~~[superior court]~~ *members of the county convention* shall fill the vacancy for the unexpired term *by majority vote*.



II.(a) If a vacancy occurs in the office of a county commissioner, the ~~[superior court]~~ *members of the county convention* shall fill the vacancy *by majority vote* until the next biennial election of county officers, *provided that, in counties with districts for commissioners, only those members of the county convention representing the towns in the district in which the vacancy occurs shall vote*. If the term filled is less than the unexpired term, then notwithstanding any provisions of RSA 653:1, VI, the commissioner district filled pursuant to this paragraph shall be added to the next biennial election ballot to be chosen by the inhabitants of the county for a 2-year term.

(b) The provisions of subparagraph (a) shall apply only where the vacancy occurred no later than 30 days preceding the printing of the ballots for the primary election.

(c) The provisions of RSA 655:32 and RSA 655:37 relating to nominations by appropriate party committees for vacancies in an office on a primary or general election ballot, respectively, shall apply to vacancies to be filled under this paragraph.

**HB 735-L**, permitting towns and cities to deny a planning board application by a vote of the legislative body. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Bellavance for Municipal and County Government: All applications to a town or city planning board should be adjudicated by the planning board and not by the municipality's legislative body. The possibility of seeing careful time-consuming deliberations by the local planning board being overturned by a popular or unpopular vote was not considered to be in the best interest of the local planning process. Vote 16-0.

**HB 413**, relative to ownership of rail properties. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This bill was requested by the Department of Transportation. It is a housekeeping bill to allow either the state or a political subdivision to retain title to rail property purchased under the right of first refusal. Additionally, it clarifies that if any such rail property is transferred or sold, it must be done in accordance with RSA 4:40, regarding the disposal of state owned real estate. Vote 17-0.

#### Amendment (0664h)

Amend the bill by replacing sections 1 and 2 with the following:

I Purchase of Rail Property; Title. Amend RSA 228:60-b, II to read as follows:

II. The state of New Hampshire, acting through the commissioner with the approval of governor and council, may match any verifiable bona fide offer made for any rail properties within the limits of funds available to the commissioner for this purpose. In the event that the property offered for sale to the commissioner is to be purchased for other transportation purposes, including recreational trails, funds for such purchase shall be identified and provided by the state agency or political subdivision requesting the commissioner to acquire the property. ~~[The department of transportation]~~ *The state or a political subdivision thereof* shall retain title to all land purchased under the right of first refusal. Cooperative use and management agreements with state agencies or political subdivisions providing acquisition funds shall be executed for parcels acquired with other than department of transportation funds. In the event that all or any part of the parcel so acquired is needed for transportation of goods or services of any kind or for any other purpose deemed necessary by the commissioner, the contributing entity shall be entitled to a refund of contribution or replacement land as determined by RSA 4:40. Any such right of first refusal shall be offered in writing to the commissioner who shall notify such railroad corporation in writing of acceptance or rejection of such an offer within 90 calendar days of receipt of such offer.

2 Disposition of Acquired or Abandoned Rail Properties. Amend RSA 228:67 to read as follows:

228:67 Disposition of Acquired or Abandoned Rail Properties. Whenever the commissioner determines that certain acquired or abandoned rail properties owned by the state pursuant to RSA 228:60-a, II; 228:60-a, VI; 228:60-b; or any other means are no longer needed, ~~[he]~~ *the commissioner* may transfer or sell such rail properties~~[-excluding the railroad bed and right-of-way lying within a corridor;]~~ to any other state department or agency, or political subdivision of the state, which will utilize such properties for public purposes and, if no state department or agency, or political subdivision, wants such properties, the commissioner may sell them, *in accordance with RSA 4:40* with the proceeds from the sale ~~[distributed to the Federal Railroad Administrator; Department of Transportation; in accordance with the grant agreement for the federal share of the participation in the original purchase of the rail properties. The balance shall be]~~ deposited into the

special fund established in RSA 228:68. Such transfer or sale shall require approval of the long range capital planning and utilization committee and the governor and council. ~~[For the purpose of this section, "corridor" shall mean from the point of origin of railroad tracks or bed and right-of-way to the point of terminus within the state, excluding spur lines and sidings which are incidental to the main line.]~~

**HB 640**, establishing a committee to study changing the Hooksett liquor store into a family hospitality center. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Rozek for Public Works and Highways: The committee is not in favor of establishing a committee to study changing the Hooksett State Liquor Store into a family hospitality center. During fiscal year 2000, the northbound store grossed \$10.3 million. The southbound store grossed \$7.9 million. Based on a 28% profit margin, gross profit was in excess of \$5.4 million. It would be impossible to replace this lost revenue. Currently the northbound store parking lot is not large enough to accommodate the volume of traffic that is currently experienced on holiday weekends. Any further construction would require the purchase of a large tract of land and could involve wetlands and wildlife. Vote 17-1.

**HB 653-FN**, relative to certain signs within highway rights-of-way. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael J. Rozek for Public Works and Highways: This bill, as amended, permits certain small business owners to place location/direction signs within a highway right-of-way according to certain guidelines. These guidelines proposed by the Department of Transportation are based on the Roadside Design Guide published by the American Association of State Highway and Transportation Officials (AASHTO). This legislation will not circumvent local municipal rules, regulations and other requirements. The cost of construction, installation, maintenance, moving and removing of such signs shall be at the expense of the business owner. The DOT shall be authorized to remove any sign if it determines that the provisions of this section have not been met, provided that 30 days notice shall be given to the owner of the sign unless the sign constitutes a safety hazard. Vote 19-0.

#### **Amendment (0652h)**

Amend the bill by replacing all after section 2 with the following:

3 New Section; Location/Direction Signs for Businesses Within Highway Rights-of-Way. Amend RSA 236 by inserting after section 88 the following new section:

236:88-a. Location/Direction Signs for Businesses Within Highway Rights-of Way.

I. Notwithstanding RSA 236:88 or any other provision of law to the contrary, a business owner whose property abuts upon and has legal driveway access to the right-of-way of any class I, class II, or class III highway may, upon obtaining the approval of the department, place a sign within the adjacent right-of-way of his or her business being conducted at that location. The placement of such sign shall be in accordance with the Roadside Design Guide published by the American Association of State Highway and Transportation Officials (AASHTO).

II. Any such sign shall comply with all local municipal rules, regulations, and other requirements.

III. Any such sign shall:

- (a) Not impose a danger to the traveling public.
- (b) Not unreasonably interfere with the maintenance of the state right-of-way.
- (c) Be permanently affixed to the ground.
- (d) Meet reasonable size, style, and lighting standards consistent with the state of development and commercial activity in the area.
- (e) Be removed if the business activity is no longer conducted at that location.

IV. The cost of construction, installation, maintenance, disposal, moving, and removing of such sign shall be at the expense of the business owner.

V. A sign placed in accordance with this section shall not be construed to give its owner any property or other rights in its location, and if the state changes or widens the highway, or redesigns its maintenance practices, the business owner shall move or remove the sign, as the department may determine necessary.

VI. The department shall be authorized to remove any sign if it determines that the provisions of this section have not been met; provided that 30 days' notice shall be given to the owner of the sign unless the sign constitutes a safety hazard.

VII. Notwithstanding any law or rule to the contrary, a municipality may place a sign within the right-of-way of any class I, class II, or class III highway if such sign meets the requirements of this section and with the approval of the department of transportation and the governing body of the municipality.

VIII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this section.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill permits business owners to place location/direction signs within a highway right-of-way within certain guidelines.

### **HB 732**, relative to the regulation of land use by the Pease development authority. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Rozek for Public Works and Highways: The bill proposes the reversion of all land use regulations by the Pease Development Authority to be transferred to the town of Newington and the city of Portsmouth. In dealing with the bill as proposed, the committee was not in support of the transfer of all future development at the PDA to the town of Newington and the city of Portsmouth. At the time of closure, Pease Air Base employed 6000 personnel. The PDA has with great time and effort created in excess of 8000 jobs for the Newington, Portsmouth and other surrounding communities since the closure of the air base. The PDA has also maintained proper management of both wetlands and the bird sanctuary. The only citizen speaking in favor of this legislation was a single member of the city planning board, and stated that he did not represent the views of the board. At this time, the committee does not believe it is in the best interest of the surrounding communities to intervene in this process. Vote 15-2.

### **HJR 5**, encouraging the use of renewable energy systems in new or rehabilitated state buildings. **DOUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: This resolution is a helpful way to indicate support for and to encourage the use of renewable energy systems in the construction or rehabilitation of state buildings. The Department of Environmental Services supports this House Joint Resolution. Vote 17-0.

### Amendment (0447h)

Amend the resolution by replacing all after the title with the following:

Whereas, the cost and performance benefits of incorporating renewable energy technologies such as daylighting, photovoltaics, active solar water heating, or wind, biomass and hydroelectric energy systems in state construction projects have been evaluated and recommended in other states; and

Whereas, over the life of a building, the energy cost savings due to the use of renewable energy systems far outweigh any increased construction costs; and

Whereas, policies that require or encourage the consideration of renewable energy options in the construction or rehabilitation of state buildings are a potentially important mechanism for promoting the increased use of renewable energy in other areas of the state; and

Whereas, current regulatory codes affecting construction do not adequately facilitate the use of renewable energy technologies in the construction or rehabilitation of buildings; now, therefore, be it Resolved by the Senate and House of Representatives in General Court convened:

That the general court hereby encourages the evaluation and use of renewable energy options in the construction and rehabilitation of all state buildings where feasible; and

That the general court encourages the revision of regulatory codes affecting construction to better accommodate the use of renewable energy technologies in the construction or rehabilitation of buildings.

### **HB 440**, relative to the establishment of instream flows. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would empower the Department of Environmental Services (DES) to apply In-Stream Flow rules to river segments not in the Rivers Management Protection Program (RMPP). However, DES already has that authority under present statutes. Therefore, this bill is not needed. In addition, the committee plans to retain HB 414 to deal with any appropriate issues relating to In-Stream Flow rules this year. Vote 15-0.



**HB 455**, relative to personal flotation devices. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would require any person aboard a small boat to wear a personal flotation device (PFD) during the winter months from October 15 to May 15. It was the intent of this bill to reduce the number of drowning fatalities during these months. The committee agreed that it is a good idea to wear PFDs during these months as well as other months, but felt it was a personal decision of the boater to do so. This issue is similar to the wearing of seat belts and the use of motorcycle helmets. The legislature has consistently decided that these are personal choices and should not be mandated by statutes. The majority of the committee felt that the use of PFDs is a personal choice and should not be mandated by statute. Vote 11-5.

**HB 696**, requiring certain waterfront property to have an approved septic system. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: This bill attempted to address potential problems that may occur with residential septic systems within 250 feet of public waters. Unfortunately, it overstepped the goal somewhat by requiring that even "alteration" of residential units would trigger the requirement that the septic system be brought up to the Department of Environmental Services current specifications. Rather than spend time working on an amendment to fix this bill, the committee unanimously opted to recommend it inexpedient to legislate and consider the sponsor's concerns under SB 89 – a Senate Bill to study changes to the Shoreland Protection Act. Vote 15-0.

**HB 754**, relative to the testing and certification of fluorine-bearing chemicals injected into the public water supply. **INEXPEDIENT TO LEGISLATE**

Rep. Bob Odell for Resources, Recreation and Development: While every member of the committee wants pure water and effective testing of public water systems, the committee has confidence in the ability of the Department of Environmental Services to oversee the testing of water for municipal systems. This legislation as amended requests that the U. S. Food and Drug Administration be involved with testing New Hampshire water. However, the FDA does not regulate water supplies or chemicals injected into the water. Vote 15-0.

**HB 578**, relative to requirements for nonpublic utility providers of telephone services. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: This bill establishes requirements for non-public utility providers of telephone services, such as but not limited to hotels, motels, hospitals, universities or similar places of temporary accommodation. The requirements include notice to the users of charges and access by the users to other providers. The bill also requires direct access to 911 emergency services by January 1, 2007. The bill drops the requirement of competitive local exchange carriers and competitive toll providers with less than 10% share of toll revenue from certain public utilities commission approvals. The bill also provides for four additional members to the Information Technology Management Advisory Board. The committee held a second public hearing to consider the additional amendments. Vote 15-0.

**Amendment (0810h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

Amend RSA 378:17-c as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Nonpublic utility providers of telephone services shall be considered telephone utilities for purposes of RSA 106-H:8. Nonpublic utility providers of telephone services shall comply with the telephone utility requirements of RSA 106-H:8 no later than January 1, 2007.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4, respectively:

2 Regulation of Competitive Telecommunications Providers Limited; Competitive Toll Providers.  
Amend RSA 374:22-o to read as follows:



374:22-o Regulation of Competitive Telecommunications Providers Limited. Any person or business entity authorized by the commission to engage in business as a competitive local exchange carrier and *any competitive toll provider having less than a 10 percent share of toll revenue in New Hampshire* shall not be required to seek prior commission approval of financings or corporate organizational changes, including, without limitation, ~~[the]~~ *mergers, acquisitions, corporate restructurings*, issuance or transfer of ~~[its]~~ securities, or the sale, lease, or other transfer of ~~[its]~~ assets *or control*. Nothing in this section shall exempt any such competitive telecommunications service provider from *such advance notice as the commission may prescribe or from the requirements of RSA 374:28-a* ~~[-including such advance notice as the commission may prescribe]~~ *or RSA 378:46*.

3 Information Technology Management Advisory Board; Members. Amend RSA 21-I, 71, II(i) to read as follows:

(i) Two senior information technology executives from the private sector, appointed by the governor *for a 3-year term*.

(j) *One representative of municipal government, who shall serve as a non-voting member, appointed by the governor for a 3-year term.*

(k) *One representative of county government, who shall serve as a non-voting member, appointed by the governor for a 3-year term.*

#### AMENDED ANALYSIS

This bill:

I. Establishes requirements for nonpublic utility providers of telephone services. Nonpublic utility providers of telephone services include, but are not limited to, hotels, motels, hospitals, universities, or similar places of temporary accommodation. The requirements include notice to the users of charges and access by the users to other providers.

II. Limits the regulation of competitive toll telecommunications providers.

III. Adds 2 members to the information technology management advisory board.

**HB 219**, relative to the rules of the road involving school buses. **OUGHT TO PASS WITH AMENDMENT**

Rep. George N. Katsakiores for Transportation: This bill adds a violation of the laws relative to passing a school bus as an offense for purposes of the habitual offender laws. It also imposes a higher fine for passing a school bus on the right than on the left and allows for suspension of a persons' drivers license for 30 days for subsequent offenses of passing on the left or up to 60 days for a third or subsequent offense of passing on the right. Increased penalties should be an effective deterrent in similar future attempts of passing school buses on the right, as occurred in an incident in the Derry area a few weeks ago. Vote 17-0.

#### Amendment (0452h)

Amend RSA 265:54, IV as inserted by section 2 of the bill by replacing it with the following:

*IV. Except as provided in paragraph III, no driver of a vehicle who is required to stop his or her vehicle in accordance with paragraph I shall overtake and pass a school bus on the right. A person who violates the provisions of this paragraph shall be guilty of a violation and shall be fined not less than \$500 nor more than \$1,200. In addition, the director shall suspend the person's license to drive or nonresident driving privilege for a period of up to 30 days for a first offense. The director shall suspend the person's license to drive or nonresident driving privilege for a period of 30 days for a second offense, and for a period of not less than 30 days nor more than 120 days for a third or subsequent offense.*

**HB 241**, establishing the offense of careless and negligent driving. **INEXPEDIENT TO LEGISLATE**  
Rep. Brenda L. Ferland for Transportation: This bill was known as the "cell phone bill." The committee felt that adding a new section under motor vehicles, rules of the road, was unnecessary at this time in light of another bill, HB 652, relating to careless and reckless and negligent driving, having passed the committee earlier. Vote 16-0.

**HB 243**, relative to school bus operation. **INEXPEDIENT TO LEGISLATE**

Rep. George N. Katsakiores for Transportation: This bill leads to substantial confusion in school bus operations and makes it difficult to accommodate school bus operations for transporting

youngsters to and from school versus the use of school buses for other commercial transportation uses. The Department of Safety indicated necessary options can be addressed under their rules. Vote 17-0.

**HB 456**, relative to automobile insurance for teenage drivers. **INEXPEDIENT TO LEGISLATE**  
Rep. John W. Flanders for Transportation: This bill would exempt those new drivers under the age of 18 during that first 90-day period that they receive their license from having to have insurance when the new driver is required to drive with an adult in the car. HB 209 is a bill relative to youth licenses. The recommended revisions that the subcommittee is working on will address the sponsors' issues in that bill. Vote 17-0.

**HB 615**, relative to the duties of motor vehicle inspectors. **OUGHT TO PASS**  
Rep. Gordon E. Bartlett for Transportation: This bill expands the enforcement authority of motor vehicle inspectors to include authority over the transportation of hazardous materials and other duties as determined by the commissioner. Although the primary duty of these vehicle inspectors is truck and inspection station enforcement, they are certified law enforcement officers, and should have the authority to enforce all motor vehicle laws. Vote 17-0.

**HB 618**, relative to charitable auto wholesale dealers. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert J. Letourneau for Transportation: This bill as presented would include certain nonprofit organizations within the definition of "dealer" in the motor vehicle laws. Upon careful review it was determined that this would open the possibility of fraud and/or misuse of the dealer status. Testimony during the public hearing revealed that for-profit companies are retaining titles to these vehicles. There is no reason to create a distinctive nonprofit status. Additionally, this type of activity could possibly put their nonprofit status in jeopardy. Vote 17-0.

**HB 652**, relative to the penalties for reckless or negligent operation of a motor vehicle. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Brenda L. Ferland for Transportation: This bill reworks the current motor vehicle law concerning reckless and negligent driving. This bill creates the motor vehicle "violation" of negligent driving and uses the criminal code definition of "negligently." It also applies the criminal code definition of "recklessly" to the reckless driving law under the motor vehicle code and makes it a "violation." The amendment changed one word under negligent driving from "and" to "or" and this paragraph doesn't name any specific task such as using cell phones, eating, etc. Vote 17-0.

#### Amendment (0183h)

Amend the bill by replacing section 2 with the following:

2 New Section; Negligent Driving. Amend RSA 265 by inserting after section 79-a the following new section:

265:79-a Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, II(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation.

**HB 663**, relative to lights on school buses. **OUGHT TO PASS WITH AMENDMENT**  
Rep. George N. Katsakiores for Transportation: This bill allows the option for a strobe light to be installed on school buses for safety reasons. It also requires the strobe light to be used throughout the bus route while children are transported to and from school. The bus operator will control the strobe light. Vote 17-0.

#### Amendment (0221h)

Amend RSA 265:57, IV as inserted by section I of the bill by replacing it with the following:

IV. If the school bus is equipped with strobe lights, the strobe lights shall be kept in continuous operation at all times throughout the regular route, home-to-school and school-to-home.

#### AMENDED ANALYSIS

This bill permits school buses equipped with strobe lights to be driven on the ways of the state. This bill also requires drivers of school buses equipped with strobe lights to operate the strobe lights throughout the regular route, and modifies other rules of the road relative to the driving of schoolbuses.

**HB 669**, requiring certain safety devices on freight locomotives. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: Safety devices known as alerters are now being installed on new trains. Unfortunately, there are about 40 existing engines that don't have them. This is a necessary thing now that some engines are running with only one engineer. The cost is about \$2,200.00 per engine, and is a small cost for public safety. The amendment, therefore, allows enough time for installing these devices by taking effect January 1, 2002. Vote 17-0.

**Amendment (0596h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2002.

**HB 725**, relative to titles to destroyed vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would require the Department of Safety to issue a certificate of destruction if the estimated costs of repairing the physical and mechanical damage to a vehicle are equal to 90% or more of the current retail cost of the vehicle. The issue raised in committee revolved around burned cars and those which are 100% beyond recognition. Expert testimony given to the subcommittee on how this is addressed currently satisfied the committee on this process. There was a fear that owners of older autos involved in collisions would sustain damage beyond their current value because cost of new replacement parts would force them to destroy their vehicles. The committee felt that this bill could cause a hardship and unintended consequences to New Hampshire citizens. Vote 16-1.

**HB 186-FN-A**, establishing a pesticides training program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Giuda for Ways and Means: The committee considered it necessary to amend this bill to bring the revenues and appropriations under the purview of the legislative budgeting process rather than creating another dedicated fund off budget. The committee was also supportive of the revenue requirements contained in this legislation. Vote 13-0.

**Amendment (0730h)**

Amend RSA 430:31-b as inserted by section 1 of the bill by inserting after paragraph II the following new paragraphs:

III. The department of agriculture, markets, and food shall submit an annual report, beginning on July 1, 2002, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the division of pesticide control under the training program established by paragraph I of this section, the revenue generated from the program under paragraph II of this section, and the budget and revenue projections of the division.

IV. In addition to or in conjunction with the operating budget of the department of agriculture, markets and food, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all training and educational programs offered or contracted by the division of pesticide control, the development of technological advancements in division programs, the revenue generated from the pesticides training program, and all revenues and expenditures of the dedicated fund established in paragraph II of this section.

**AMENDED ANALYSIS**

This bill establishes a pesticides training program for the purpose of providing education regarding pesticides and the handling of pesticides to commercial pesticide applicators and other applicable persons. This bill establishes a pesticides training program fund to support the purposes of the training program and establishes certain reporting and budgeting requirements for the department of agriculture, markets, and food. Moneys for the fund shall be established by rule by the commissioner of agriculture, markets, and food and collected from program participants.

**HB 303-FN-A-L**, relative to funding of training and certification of firefighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees. **OUGHT TO PASS WITH AMENDMENT**



Rep. Paul A. McGuirk for Ways and Means: This bill was the result of a study committee arising out of HB 1504 which was enacted last session. The committee's charge was to study the need for additional funding for firefighter and emergency medical service training in this state and to develop a proposal for a dedicated funding source for that purpose. This bill establishes a non-lapsing dedicated funding source for the training and certification of firefighters and emergency medical service providers in this state. The committee heard testimony from the Dept. of Safety and members of the firefighter and emergency medical service community, which revealed a substantial need to upgrade our efforts in training, certification and licensure throughout the state. The committee recognizes the ever-increasing requirements placed upon emergency response personnel for enhancing their training in the use of sophisticated fire fighting and life-saving technologies, which is essential to the health and safety of all citizens. However, it also recognizes that firefighter and EMS professionals are present throughout the state and it is the responsibility of the divisions to provide these professions with training programs and certification services at the regional level. It is believed that this bill will go a long way in accomplishing that task, since a majority of the additional funds obtained will be used for the delivery of training programs at the regional level. The funding source for the dedicated fund will come from the \$7.00 fee that is currently charged to insurance companies purchasing motor vehicle records. The drivers license fee will increase at a rate of \$2.00 per year, and the term of the license will increase from four to five years. The increase in the license fee will go directly into the highway fund. The current appropriations for both divisions will be returned to the general fund. This bill results in a substantial gain to the highway fund, the general fund, as well as establishing the new dedicated fund. Originally, this bill passed the House Criminal Justice and Public Safety committee on a vote of 17-0. The Ways and Means committee amended the bill to require: (1) the Dept. of Safety submit an annual report to the General Court regarding the fund, appropriations, and the degree of coordination with municipal fire and emergency medical service departments; (2) budget oversight; and (3) the implementation of rules, pursuant to RSA 541-A, relative to fees charged for training programs, including the development of a tuition reimbursement plan. Vote 16-0.

#### Amendment (0866h)

Amend the bill by replacing sections 3-5 with the following:

3 Department of Safety; Division of Emergency Medical Services; Fiscal Duties of the Director. Amend RSA 21-P:12-b, II(l) to read as follows:

(l) With the approval of the commissioner, accept in the name of the state any and all donations, *fees for tuition, rents, services, and any and all money* and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of such funds subject to budgetary provisions, consistent with the rules of the department of safety and the purposes or conditions of the donation or grant.

*(m) With the approval of the commissioner, establish fees to be collected for tuition, services, and licenses. The commissioner may for good cause waive any fees charged under this subparagraph and may authorize tuition reimbursement from the fire standards and training and emergency medical services fund.*

4 New Sections: Department of Safety; Fire Standards and Training and Emergency Medical Services Fund Established; Report and Budget Requirements Established. Amend RSA 21-P by inserting after section 12-c the following new sections:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing, and continually appropriated fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses as determined by the commissioner of safety incurred in the administration of the division of fire standards and training, under RSA 21-P:12-a, and the division of emergency medical services, under RSA 21-P:12-b.

21-P:12-e Fire Standards and Training and Emergency Medical Services Report and Budget.

I. The department of safety shall submit an annual report, beginning on July 1, 2002, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the divisions of fire standards and training and emergency medical services, the development of the technological advancements in division programs, the revenue generated from the sale of motor vehicle records,



the budget and revenue projections of both divisions, the degree of coordination with municipal fire and emergency medical services departments, and the extent of direct aid to municipalities and mutual aid associations.

II. In addition to or in conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all training and educational programs offered or contracted by the divisions of fire standards and training and emergency medical services, the development of technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the extent of direct aid to municipalities and mutual aid associations, and all revenues and expenditures of the dedicated fund established in RSA 21-P:12-d.

5 New Paragraph; Department of Safety; Rulemaking Authority; Commissioner of Safety; Fees for Fire Standards and Training and Emergency Medical Services Training Programs. Amend RSA 21-P:14 by inserting after paragraph VI the following new paragraph:

VII. The commissioner of safety, in consultation with the fire standards and training commission and the emergency medical and trauma services coordinating board, shall adopt rules under RSA 541-A, relative to:

(a) Fees for tuition, services, and licenses under RSA 21-P:12-a and 21 P:12-b.

(b) Tuition reimbursement under RSA 21-P:12-a and 21-P:12-b.

(c) The circumstances in which a waiver may be granted under RSA 21-P:12-a, II(b) and RSA 21-P:12-b, II(m).

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 16:

15 Division of Fire Standards and Training, Disposition of Funds; Tuition Reimbursement. Amend RSA 21-P:12-a, II(b) to read as follows:

(b) Establish fees to be collected for tuition and services. Such fees shall be subject to the approval of the commissioner of the department of safety. *The commissioner may for good cause waive any fees charged under this subparagraph and may authorize tuition reimbursement from the fire standards and training and emergency medical services fund.*

### AMENDED ANALYSIS

This bill:

I. Establishes a dedicated fund to support the division of fire standards and training and the division of emergency medical services in the department of safety. The bill also establishes reporting and budgeting requirements for the department of safety in conjunction with the operation of the divisions of fire standards and training and emergency medical services.

II. Allows the director of the division of emergency medical services to establish and collect fees for tuition, services and licenses.

III. Allows the commissioner of the department of safety to establish fees for certain fire standards and training and emergency services programs and services.

IV. Increases certain motor vehicle license fees.

V. Extends certain motor vehicle license expiration dates from

**HB 310-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. **OUGHT TO PASS**

Rep. Susan W. Almy for Ways and Means: This bill continues the rate of the Medicaid enhancement tax at 6%. It cannot be increased and to decrease it would cost the state lost revenue. Vote 18-0.

**HB 551-FN**, establishing a homestead exemption from the education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: The subject matter of establishing a homestead exemption from the education property tax is contained in several other bills before the committee which offer a comprehensive school-funding plan. The committee has already voted to retain several other bills, which could be used to address the issue of homestead exemptions as well. Therefore, this additional legislation is not necessary. Vote 16-0.

### REGULAR CALENDAR

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002 and June 30, 2003. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for the Majority of Finance: This bill is the state's budget for the next two fiscal years. It not only covers our traditional state services (general government, criminal justice and public safety, environmental protection and resource development, transportation and highway improvement, health and human services, post-secondary and higher education), but for the first time includes the state's obligation to education. For the first time the state budget bill is a comprehensive plan that funds **all** of the state's responsibilities. As our responsibilities have increased, the budget has increased. General fund spending on a comparable basis is up 4.04% over current spending. In the first year, total general fund appropriations are \$1.13 billion, which is \$51.7 million more than current spending levels.

Every state program is funded at a responsible level. Not a single, existing state-funded program or service has been reduced unless the reduction was supported by the Governor or agency head. Indeed, almost all programs and services have had their appropriations increased. Some of the increases exceeded those recommended by the Governor. These include school building aid, the developmentally disabled wait list and meals on wheels.

Some highlights of the budget: 1) The developmentally disabled wait list is funded at \$1 million/year **more than** the Governor's plan. 2) Direct aid to the elderly, TANF and other clients served by the Department of HHS has been increased to meet projected case numbers and cost. 3) The rooms and meals distribution to cities and towns has increased by \$15 million. 4) Environmental grants to cities and towns for waste water treatment, public water systems, source water protection, and landfill and incinerator closings have increased to \$37.2 million. 5) Block grants to cities and towns for road repair and improvements have increased by \$2.1 million **more than** the Governor's plan. 6) LCHIP is funded at \$15 million over the biennium, none of which was included in the Governor's budget plan. 7) The Healthy Kids insurance program appropriation is increased significantly, with the same combination of federal, state and private foundation funding as we currently have. 8) The childhood immunization program is increased to cover 2 additional vaccines, with the additional funding to come from the general fund and private insurance companies, as is the current practice. 9) An additional \$4 million is appropriated for travel and tourism promotion, none of which is included in the Governor's budget plan. 10) A new pharmaceutical discount program for low-income seniors is funded. 11) Debt service is fully funded to meet the state's existing and anticipated short and long term borrowing requirements. 12) The Veterans home and its expansion are fully funded. In summary, this budget appropriates the necessary funds to provide for education and all state services, including those to our most vulnerable populations, at a responsible level. This budget is fair, balanced and good for NH. Vote 13-9.

Rep. Elizabeth S. Hager for the Minority of Finance: The bipartisan minority of the Finance Committee believes that the majority amendment continues to leave too many critical programs out of the basic state budget. The minority amendment restores funding for Healthy Kids (CHIP), for a critical wage increase for direct care providers, for tobacco use prevention, for immunizations, and for chronically ill children. It also includes funding for state planning initiatives, for Granite Scholars scholarships, and for the Best Schools initiative in more communities.

In other words, it makes the budget more responsive to the needs of our citizens and prevents costs being passed back down to the local property tax. The minority urges passage of the basic budget (the majority amendment) and then our amendment.

### **Majority Amendment (0892h)**

This amendment was printed in its entirety in House Record No.33, April 13, 2001 and is made part of this Journal by reference.

The question being the adoption of the majority amendment.

Majority amendment adopted.

Rep. Wallner offered the minority amendment (0908h).

### **Minority Amendment (0908h)**

This amendment was printed in its entirety in House Record No. 34, April 13, 2001 and is made part of this Journal by reference.

Reps. Wallner, Millham and Hager spoke in favor.

Reps. Hunt and Scanlan spoke against.

Rep. Pilliod spoke in favor and yielded to questions.

Rep. Rogers Johnson spoke against and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.  
The question being adoption of the minority amendment (0908h).

**YEAS 187 NAYS 195****YEAS 187****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Philbrick, Donald

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Russell, Ronald	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Ham, Bonnie	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Teschner, Douglass

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Cardin, Lori	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Duval, Jeffrey	Dwyer, Paul	Dyer, Merton	Ford, Nancy
Foster, Linda	Gargasch, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Lasky, Bette	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Pepino, Leo	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Spieß, Paul	Sweeney, Cynthia	Tate, Joan
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Downing, Michael	Flanagan, Natalie	Gleason, John

Johnson, Robert  
Langone, John  
O'Keefe, Patricia  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Kane, Cecelia  
McGuire, Robert  
Pantelakos, Laura  
Sloan, Stephen

Kelley, Jane  
Micklon, Stephanie  
Pitts, Jacqueline  
Splaine, James

Langley, Jane  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Callaghan, Frank  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Spang, Judith

DeChane, Marlene  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizz, James

### NAYS 195

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boyce, Laurie  
Lawton, David  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Thomas, John

Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

### CARROLL

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey  
Torresen, Gary

Dickinson, Howard  
Quimby, Lee

Lyman, L Randy  
Stevens, Stanley

### CHESHIRE

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

### COOS

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

### GRAFTON

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Barker, Robert  
Gabler, William  
Mirski, Paul  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Fields, Dennis  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary

Alukonis, David  
Balcom, John  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Eaton, Richard  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
Jean, Loren

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Elliott, Larry  
Flora, Kathleen  
Graham, John  
Herman, Keith  
Kurk, Neal

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Emerton, Lawrence Sr  
Furman, Christine  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert



LaFlamme, Paul  
Martel, Andre  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
Wheeler, Robert

LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Thompson, Rob  
White, Donald

Leach, Edward  
Mercer, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Thulander, O Alan

Lessard, Rudy  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Hess, David  
Langer, Ray  
Swindlehurst, John

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Whalley, Michael

Dunne, Christopher  
Kennedy, Richard  
Poulin, David  
Winter, Steven

Fraser, Leo Jr  
L'Heureux, Stephen  
Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Sapareto, Frank  
Welch, David

Belanger, Ronald  
Carson, Sharon  
Dalrymple, Janeen  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Chalbeck, Kevin  
Dodge, Robert  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

Bridle, Russell  
Clark, Vivian  
Dowling, Patricia  
Gilbert, Jeffrey  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Albert, Russell  
Musler, George  
Woods, Phyllis

Bickford, David  
Reid, Christopher

Cossette, Larry  
Tsiros, William

Harrington, Michael  
Twombly, James

### SULLIVAN

Rodeschin, Beverly  
and the minority amendment (0908h) failed.  
Rep. Hunt offered a floor amendment (0944h).

#### Floor Amendment (0944h)

Amend PAU 05, 01, 07, 06, 03 as follows:

	FY 2002	FY 2003
Strike out		
91 Chip *	5,342,528	6,233,197
Insert in place thereof		
91 Chip	5,342,528	6,233,197
Strike out		
*Chip program. No general funds shall be expended for non-medicaid eligible children in the 1-19 year old age group.		
Strike out		
05 Private Local Funds I	1,759,896	2,062,722
Insert in place thereof		
05 Private Local Funds I	200,341	199,542
Strike out		
General Fund	92,210,212	97,533,011
Insert in place thereof		
General Fund	93,769,767	99,396,191

Rep. Wendelboe spoke against.  
Rep. Hunt spoke in favor.  
Rep. Elliott requested a roll call; sufficiently seconded.  
The question being the adoption of the Hunt floor amendment(0944h).

YEAS 338 NAYS 40

YEAS 338

BELKNAP

Bartlett, Gordon	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wood, Jane	

CARROLL

Bradley, Jeb	Dickinson, Howard	Lyman, L Randy	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Torressen, Gary	

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Russell, Ronald	Smith, Edwin	Weed, Charles
Zerba, Roger			

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Stohl, Eric	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cobb, John	Cooney, Mary	Dudley, Terri	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Naro, Debra	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Sova, Charles	Teschner, Douglass
Ward, Brien			

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergin, Peter	Bouchard, David	Bouldin, Michael
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Cardin, Lori	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Gargasch, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Betty	Hall, Charles
Holden, Randolph	Hopper, Gary	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaFlamme, Paul	Lasky, Bette	Leach, Edward	Leishman, Peter

Lessard, Rudy  
McDonough-Wallace, Alice  
Messier, Irene  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
Spiess, Paul  
Thulander, O Alan  
White, John

Lynde, Harold  
McHugh, Claire  
Milligan, Robert  
Palangas, Eric  
Peterson, Andrew  
Seibel, Christopher  
Sweeney, Cynthia  
Vaillancourt, Steve

Martel, Andre  
Melcher, Harold  
Moran, Edward  
Panagopoulos, Nicholas  
Reeves, Sandra  
Shaw, Barbara  
Tahir, Saghir  
Wheeler, Robert

Martin, Mary Ellen  
Mercer, Robert  
Movsesian, Lori  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Tate, Joan  
White, Donald

### MERRIMACK

Anderson, Eric  
Colcord, J D  
Davis, Frank  
Fraser, Marilyn  
Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Perkins, Randy  
Rodd, Beth  
Wallner, Mary Jane  
Yeaton, Charles

Bouchard, Candace  
Crosby, Toni  
Dunne, Christopher  
French, Barbara  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Potter, Frances  
Rush, Deanna  
Whalley, Michael

Brewster, Richard  
Cummings, Raymond  
Feuerstein, Martin  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Poulin, David  
Seldin, Gloria  
Whittemore, James

Clarke, Claire  
Daneault, Gabriel  
Fraser, Leo Jr  
Greco, Vincent  
Kennedy, Richard  
Lockwood, Priscilla  
Owen, Derek  
Reardon, Tara  
Swindlehurst, John  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Clark, Martha Fuller  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
McGuire, Robert  
Norelli, Terie  
Pantelakos, Laura  
Quandt, Marshall  
Reardon, Neil  
Sapareto, Frank  
Stone, Joseph  
Weatherspoon, Jacquelyne  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Clark, Vivian  
Cox, Russell  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Robert  
Katsakiores, Phyllis  
Langone, John  
Micklon, Stephanie  
Nowe, Ronald  
Pitts, Jacqueline  
Quandt, Matthew  
Robertson, Carl  
Shultis, Elizabeth  
Stritch, C Donald  
Welch, David

Blanchard, MaryAnn  
Case, Margaret  
Coes, Betsy  
Dalrymple, Janeen  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Kelley, Jane  
Letourneau, Robert  
Moore, Benjamin  
O'Keefe, Patricia  
Power, Lucille  
Rabideau, Marie  
Ruffner, Walter  
Sloan, Stephen  
Trueman, Raymond  
Whittier, John

Bowles, Raimond  
Chalbeck, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Downing, Michael  
Gilbert, Jeffrey  
Griffin, Mary  
Hutchinson, Karen  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Priestley, Anne  
Rausch, James  
Saia, Pamela  
Splaine, James  
Varrell, Thomas  
Woekel, Ralph

### STRAFFORD

Albert, Russell  
Callaghan, Frank  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Musler, George  
Rollo, Michael  
Taylor, Kathleen  
Woods, Phyllis

Berube, Roger  
Cossette, Larry  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra

## NAYS 40 BELKNAP

Boyce, Laurie	Wendelboe, Fran
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## CARROLL

Mock, Henry	Patten, Betsey	Sullivan, P Judith
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## CHESHIRE

Espieffs, Peter	Royce, H Charles
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## COOS

Tholl, John Jr	
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## GRAFTON

Barker, Robert	Mirski, Paul	Scanlan, David	Williams, Burton
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## HILLSBOROUGH

Alukonis, David	Bergeron, Jean-Guy	Bragdon, Peter	Furman, Christine
Gonzalez, Carlos	Herman, Keith	Jean, Loren	Kurk, Neal
LaRose, Richard	McRae, Karen	Salts, Greg	Thompson, Rob

## MERRIMACK

Hutchinson, John	Soltani, Tony
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## ROCKINGHAM

Bishop, Franklin	Camm, Kevin	Fesh, Bob	Hamel, Albert
Itse, Daniel	Kelley, William	McKinney, Betsy	Palermo, Diane
Putnam, Ed II	Weyler, Kenneth		

## STRAFFORD

Harrington, Michael	Twombly, James
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## SULLIVAN

Phiniza, James	Rodeschin, Beverly
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and the floor amendment (0944h) was adopted.

Reps. Gonzalez, Thompson and Palermo voted nay and intended to vote aye.

Rep. Babson did not vote and wished to be recorded in favor.

The question now being adoption of the amended committee report.

Rep. Burling requested a roll call; sufficiently seconded.

## YEAS 239 NAYS 144

### YEAS 239

## BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John

## CARROLL

Bradley, Jeb	Dickinson, Howard	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Sullivan, P Judith	Torresen, Gary		

## CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Manning, Joseph	Roberts, William
Royce, H Charles	Smith, Edwin		



**COOS**

Davis, Perley  
Pratt, Leighton  
Woodward, David

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergin, Peter  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Drisko, Richard  
Fields, Dennis  
Gargasch, Carolyn  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Salts, Greg  
Spiess, Paul  
Thulander, O Alan

Alukonis, David  
Balcom, John  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Dyer, Merton  
Fletcher, Richard  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Leishman, Peter  
McRae, Karen  
Moran, Edward  
Peterson, Andrew  
Sargent, Maxwell  
Tahir, Saghir  
Vaillancourt, Steve

Arnold, Thomas Jr  
Batula, Peter  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Elliott, Larry  
Flora, Kathleen  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Lessard, Rudy  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Seibel, Christopher  
Tate, Joan  
Wheeler, Robert

Artz, Lawrence  
Bergeron, Jean-Guy  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
Messier, Irene  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Thompson, Rob  
White, Donald

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Hutchinson, John  
Langer, Ray  
Poulin, David  
Winter, Steven

Brewster, Richard  
Feuerstein, Martin  
Jacobson, Alf  
Leber, William  
Soltani, Tony

Colcord, J D  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Swindlehurst, John

Cummings, Raymond  
Hess, David  
L'Heureux, Stephen  
Maxfield, Roy  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Rausch, James

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Kelley, Jane  
Langone, John  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Reardon, Neil

Bishop, Franklin  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter

Bowles, Raimond  
Case, Margaret  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela

Sapareto, Frank  
Varrell, Thomas  
Woekel, Ralph

Sloan, Stephen  
Welch, David  
Zolla, William

Stone, Joseph  
Weyler, Kenneth

Stritch, C Donald  
Whittier, John

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Twombly, James

Bickford, David  
Musler, George  
Woods, Phyllis

Cossette, Larry  
Reid, Christopher

Dunlap, Patricia  
Tsiros, William

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 144

### BELKNAP

Johnson, William

Millham, Alida

Salatiello, Thomas

Wood, Jane

### CARROLL

None

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meader, David  
Russell, Ronald

DePecol, Benjamin  
Mitchell, McKim  
Weed, Charles

### COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon

Ham, Bonnie  
Pawlek, Marion

### HILLSBOROUGH

Andosca, Mary  
Cardin, Lori  
Cote, Peter  
Duval, Jeffrey  
Foster, Linda  
Haley, Robert  
Kacavas, John  
Lynde, Harold  
Movsesian, Lori  
Shaw, Barbara

Baroody, Benjamin  
Clayton, William  
Craig, James  
Dwyer, Paul  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Martin, Mary Ellen  
Palangas, Eric  
Sweeney, Cynthia

Bellavance, Paul  
Clemons, Jane  
Daigle, Robert  
Eaton, Richard  
Goley, Jeffrey  
Jean, Claudette  
Konys, Christine  
McDonough-Wallace, Alice  
Panagopoulos, Nicholas  
White, John

Buckley, Raymond  
Cote, David  
Drabinowicz, A Theresa  
Ford, Nancy  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Melcher, Harold  
Schulze, Joan  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Davis, Frank  
Greco, Vincent  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Clarke, Claire  
Fraser, Marilyn  
Hager, Elizabeth  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Crosby, Toni  
French, Barbara  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria

Daneault, Gabriel  
Gile, Mary  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Blanchard, MaryAnn  
Johnson, Robert  
Norelli, Terie  
Robertson, Carl  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Kane, Cecelia  
O'Keefe, Patricia  
Shultis, Elizabeth

Coes, Betsy  
McGuire, Robert  
Pantelakos, Laura  
Splaine, James

Downing, Michael  
Micklon, Stephanie  
Pitts, Jacqueline  
Trueman, Raymond

**STRAFFORD**

Berube, Roger  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Spang, Judith

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Phinizy, James

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

and the report was adopted.

Ordered to third reading.

Rep. Babson did not vote and wished to be recorded in favor.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for the Majority of Finance: This is the companion or trailer bill to HB 1-A, the biennial budget. It contains necessary statutory changes to allow HB 1-A to be executed appropriately. Key provisions (1) establish a travel and tourism development fund; (2) provides for the fiscal committee to approve the acceptance and expenditure of non-state funds in excess of \$100,000; (3) enables a portion of the health insurance premiums for retired state employees to be paid from the retirement system special account; (4) enables the retirement system's operating expenses to be a charge against the retirement fund's income; (5) establishes an LCHIP administrative fund and allows interest from the fund's principle to be expended for administration purposes; (6) allows the Department of Health and Human Services to fill authorized but unfunded positions from its personnel lines; and (7) lapses \$1,500,000 from the tobacco use prevention fund that the program is unable to use in the current fiscal year. HB 1-A provides for the program to continue at the level established by the legislature, appropriating \$3 million to the fund for each year of the next two fiscal years.

Rep. Mary Jane Wallner for the Minority of Finance: This amendment would delete the footnote that lapses tobacco use prevention funds to the general fund in the amount of \$1.5 million. With the deletion of the footnote the Department of Health and Human Services can move forward with contracting for community tobacco use prevention programs. When the legislature enacted the tobacco use prevention fund we agreed that the funds would be non-lapsing. This bill would reverse that decision. Vote 13-5.

**Majority Amendment (0891h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Department of Resources and Economic Development; Travel and Tourism Development; Travel and Tourism Development Fund. Amend RSA 12-A by inserting after section 43 the following new section:

12-A:43-a Travel and Tourism Development Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the travel and tourism development fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting and developing appropriate travel and tourism initiatives through the division of travel and tourism development and shall not be used for any other purpose. The director of travel and tourism development shall oversee expenditures from the fund. The moneys in the fund shall be non-lapsing and shall be continually appropriated to the department of resources and economic development.

II. The commissioner of resources and economic development shall prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house of representatives, and the governor and council, and filed with the state library. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year.

2 New Subparagraph; Travel and Tourism Development Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys received for deposit in the travel and tourism development fund established by RSA 12-A:43-a, I.

3 New Paragraph; Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 From Any Non-State Source. Amend RSA 14:30-a by inserting after paragraph V the following new paragraph:

VI. Any non-state funds in excess of \$100,000, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under state law require the approval of governor and council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the state government only with the prior approval of the fiscal committee.

4 Fiscal Committee Approval Required for Expenditure of Federal Aid. Amend RSA 124:4 to read as follows:

124:4 Application for[;] and Administration of *Federal Aid*. Notwithstanding any other provision of law, the governor and council are hereby authorized to designate from time to time, as they may deem in the best interest of the state, the proper persons or agencies in the state government to take all necessary action to apply for, receive, and administer any federal benefits, facilities, grants-in-aid, or other federal appropriations or services made available to assist state activities, for which the state is, or may become eligible. *All such moneys in excess of \$100,000 made available, after designation by the governor and council, may be expended by the proper persons or agencies in the state government only with the prior approval of the joint legislative fiscal committee, provided, however, that prior approval by the joint legislative fiscal committee shall not be required for any federal moneys received by the department of employment security.* In addition to such other instruments, documents, and agreements as may be executed ~~[hereunder]~~ *under the authority of this section*, such persons or agencies may~~[-, whenever the same shall be required as a condition to the receipt of such federal assistance, with the approval of the governor and council]~~ execute indemnification agreements, *with the approval of governor and council*, in the name of the state with and for the benefit of the United States *whenever such execution is required as a condition of receipt of such federal assistance.*

5 Retirement System; Definition of Employee. Amend RSA 100-A:1, V to read as follows:

V. "Employee" shall mean any regular classified or unclassified officer or employee of the state or any department, commission, institution or agency of the state government by which an employee is paid through the office of the state treasurer, or employees of the general court who work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a per diem basis or any employee *of the retirement system or* of any of the groups authorized to participate ~~[in the retirement system]~~ under this chapter but excluding any person who is a teacher, permanent policeman, or permanent fireman as defined in this section, or who is a member or attache of the general court or member of the executive council.

6 Retirement System; Administration. Amend RSA 100-A:14, V to read as follows:

V. The board of trustees ~~[may]~~ *shall have the full power to employ and compensate* such classified employees *on such terms* as may be necessary *as charges upon the funds of the retirement system*. It may also engage such actuarial, medical, and like services as may be required to transact the business of the system. The compensation for such special services, and all other expenses of the board necessary, hereto, shall be paid at such rates and in such amounts as the board shall approve.

7 Retirement System; Administrative Cost Assessment. RSA 100-A:14, XIII is repealed and reenacted to read as follows:

XIII. Administrative Cost Assessment. Other provisions of law notwithstanding, the cost of administration of the retirement system as provided in this section shall be a charge upon the funds of the retirement system. The amount of administrative expense recorded monthly by the department of administrative service, division of accounting services, shall be paid to the state treasurer by the board of trustees. The board shall biennially review the administrative expenses for the previous biennium and shall submit in a budget for legislative appropriation, those amounts that the board, in its reasonable discretion, may deem necessary for the efficient operation of the system. Administrative balances accrued prior to June 30, 2001 shall be retained by the retirement system and expended for ongoing operations.

8 Retirement System; Management of Funds. Amend RSA 100-A:15, IV to read as follows:



IV. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and ~~[with the approval of the attorney general]~~ to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

9 Retirement System; Executive Director. Amend RSA 100-A:44 to read as follows:

100-A:44 Appointment; Removal. The board of trustees of the retirement system shall *have the full power to appoint and compensate* an executive director ~~[who shall hold office during good behavior. The board may remove the executive director for cause] to perform such duties on such terms as it may require.~~

10 Executive Director Salary; Director of Finance. Amend RSA 100-A:47 and 47-a to read as follows:

100-A:47 Salary. The annual salary of the executive director shall be ~~[that prescribed by RSA 94:1-4]~~ *set at such rates as the board of trustees may deem necessary to attract and retain a suitably qualified individual.*

100-A:47-a Appointment; Duties; and Compensation. The executive director of the retirement system shall nominate a director of finance for appointment by the board of trustees. The director of finance shall assist the board of trustees in the management of retirement system funds. The director of finance shall report directly to the board of trustees or to a person or persons designated by the board and shall serve at their pleasure. The director of finance shall be qualified to hold the position by reason of education and experience. The annual salary for the director of finance shall be ~~[that prescribed by RSA 94:1-a, 1, Group M]~~ *set at such rates as the board of trustees may deem necessary in order to attract and retain a suitably qualified individual.*

11 New Hampshire Retirement System; Payment by Retirement System-Group I; Amend RSA 100-A:52-a to read as follows:

100-A:52-a Payment by Retirement System; Group I ~~[Teachers and Political Subdivision Employees].~~

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I member if age 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or before July 1, 2004 as a group I ~~[teacher member or political subdivision employee]~~ member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I member.

(b) Any person who has completed no less than 20 years of group I creditable service, but who for reasons other than retirement or death ceased to be a group I ~~[teacher member or political subdivision employee]~~ member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(c) Any person who has completed no less than 20 years of group I creditable service and who retired as a group I ~~[teacher member or political subdivision employee]~~ member prior to age 60, and who subsequently attains the age of 60, or any person who has completed no less than 30 years of group I creditable service and who retired as a group I ~~[teacher member or political subdivision employee]~~ member prior to age 55, and who subsequently attains the age of 55.

(d) The surviving spouse of a deceased retired group I teacher member or political subdivision employee member who met the qualifications of subparagraphs (a), (b) or (c), or of a deceased member who died while in service as a group I teacher member or political subdivision employee member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(e) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(f) The surviving spouse and children of a deceased ~~[teacher or]~~ group I ~~[political subdivision employee]~~ member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer's sponsored plan.

(g) Any group I [~~teacher member or political subdivision employee~~] member retired on or before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty.

(h) The spouse of a qualified retiree.

I-a. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at 1/2[;] of one year of such service credit.

II. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

III. In the case of group I members retired from employment by political subdivisions of the state, the amount payable by the retirement system on account of qualified persons shall be paid over to the employer, insurer, or health care administrator and used to pay for all or part of the medical benefits provided through the former employer for qualified persons. If the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph II, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

*III-a. As of January 1, 2002, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.*

*III-b. As of January 1, 2002, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph II, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.*

IV. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I [~~teacher member or political subdivision employee~~] member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

V. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VI. Any group I political subdivision employee member retired before January 1, 2001, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VII. The retirement system shall notify all group I teacher and political subdivision employee retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to re-join and active-employee medical insurance or health plan and to receive benefits under this section.

VIII. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

12 New Section; New Hampshire Retirement System; Method of Financing; Group I State Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

100-A:53-d Method of Financing; Group I State Employees.

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group I state employer contributions made for group I state employees in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

13 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

I-c. It is the intent of the legislature that future group I state employee members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:52-a only if the total cost of such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

14 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 **Defense and Indemnification.** If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire



housing finance authority, or directors, officers, and employees of the Pease development authority, *or directors, officers, and employees of the land and community heritage investment authority* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him *or her*, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or **defense**, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him *or her* unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading ~~he~~ **the person** shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the **defense** of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw ~~his~~ **a** warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. **Indemnification** by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

15 New Subparagraphs; Additional Powers and Duties. Amend RSA 227-M:5, VIII by inserting after subparagraph (c) the following new subparagraphs:

(d) Employ or retain as independent contractors architects, engineers, attorneys, accountants, and other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law of the state to prescribe their duties and qualifications and to fix and pay their compensation if any.

(e) Appoint qualified individuals to serve as unpaid volunteers under such terms and conditions as it deems necessary. Said volunteers or advisors may be paid a stipend and/or reimbursed for any incidental expenses determined by the authority to be necessary and incurred while performing the business of the authority.

16 New Section; Administrative Fund Established. Amend RSA 227-M by inserting after section 7 the following new section:

#### 227-M:7-a Administrative Fund.

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, 2003 there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. If the revenues generated to the administrative fund from these two sources for said biennium do not total \$335,000 during each year of the biennium, then, on or after the first day of the last month of the fiscal year, the treasurer shall be authorized to credit the administrative fund from the principal of the trust fund, not to exceed this total.

II. All sums so credited shall be appropriated to the authority for the following purposes:

(a) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director. The authority may enter into a contract or agreement for provision of services to withhold on a monthly basis all payroll and benefit costs for employees.



(b) In general for the payment of all expenses incident to the management and operation of the authority as are consistent with its statutory purpose and as the board or the executive director thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining to the credit of the authority at the close of any fiscal year, and any interest accrued, shall be nonlapsing and shall be carried over and credited to the fund for the succeeding year.

17 New Section; Land and Community Heritage Investment Program; Authority Employees. Amend RSA 227-M by inserting after section 6 the following new section:

227-M:6-a Status of Employees.

I. The authority may hire, fix and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority.

18 Department of Resources and Economic Development; Telecommunications Planning and Development Initiative; Initial Funding; Appropriation Nonlapsing. Amend 2000, 298:5 by inserting after paragraph IV the following new paragraph:

V. The initial funding mechanism and the appropriation made pursuant to this section shall not lapse until June 30, 2002.

19 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2003, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

20 Certain Tobacco Use Prevention Fund Moneys; General Fund. Notwithstanding any provision of law to the contrary, \$1,500,000 from the tobacco use prevention fund, established in RSA 126-K:15, shall lapse to the general fund on July 1, 2001.

21 Effective Date.

I. Sections 11 and 12 of this act shall take effect 60 days after its passage.

II. Section 13 of this act shall take effect January 1, 2002.

III. Section 18 of this act shall take effect June 30, 2001.

IV. The remainder of this act shall take effect July 1, 2001.

#### AMENDED ANALYSIS

This bill:

I. Establishes a travel and tourism development fund.

II. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2002.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VIII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund. The question now being the adoption of the majority amendment.

Adopted.

Rep. Carol Moore offered the minority amendment (0910h).

**Minority Amendment (0910h)**

Amend the bill by deleting section 20 and renumbering the original section 21 to read as 20.

**AMENDED ANALYSIS**

This bill:

I. Establishes a travel and tourism development fund.

II. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2002.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

Rep. Carol Moore spoke in favor.

Rep. Emerton spoke against and yielded to questions.

Rep. Manning requested a roll call; sufficiently seconded.

The question being adoption of the minority amendment(0910h).

**YEAS 173 NAYS 211**

**YEAS 173**

**BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Edwards, Dana	Espiefs, Peter	Fairbanks, Chandler	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Russell, Ronald	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Ham, Bonnie	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Balcom, John	Baroody, Benjamin
Bellavance, Paul	Bergin, Peter	Buckley, Raymond	Cardin, Lori

Clayton, William  
 Craig, James  
 Drabinowicz, A Theresa  
 Foster, Linda  
 Gorman, Mary  
 Johnson, Lionel  
 LaFlamme, Paul  
 Lynde, Harold  
 Messier, Irene  
 Panagopoulos, Nicholas  
 Shaw, Barbara  
 Williams, Carol

Clemons, Jane  
 Daigle, Robert  
 Drisko, Richard  
 Gargas, Carolyn  
 Haley, Robert  
 Kacavas, John  
 Lasky, Bette  
 Martin, Mary Ellen  
 Movsesian, Lori  
 Peterson, Andrew  
 Spiess, Paul

Cote, David  
 Dionne, Kimberley  
 Duval, Jeffrey  
 Ginsburg, Ruth  
 Hall, Betty  
 Keye, Harvey  
 Leach, Edward  
 McDonough-Wallace, Alice  
 O'Connell, Timothy  
 Schulze, Joan  
 Sweeney, Cynthia

Cote, Peter  
 Dokmo, Cynthia  
 Dwyer, Paul  
 Goley, Jeffrey  
 Jean, Claudette  
 Konys, Christine  
 Leishman, Peter  
 Melcher, Harold  
 Palangas, Eric  
 Seibel, Christopher  
 White, John

## MERRIMACK

Bouchard, Candace  
 Daneault, Gabriel  
 French, Barbara  
 Jacobson, Alf  
 Perkins, Randy  
 Rush, Deanna

Brewster, Richard  
 Davis, Frank  
 Gile, Mary  
 Lockwood, Priscilla  
 Potter, Frances  
 Seldin, Gloria

Clarke, Claire  
 Feuerstein, Martin  
 Greco, Vincent  
 Moore, Carol  
 Reardon, Tara  
 Wallner, Mary Jane

Crosby, Toni  
 Fraser, Marilyn  
 Hager, Elizabeth  
 Owen, Derek  
 Rodd, Beth  
 Yeaton, Charles

## ROCKINGHAM

Blanchard, MaryAnn  
 Clark, Martha Fuller  
 Gleason, John  
 McGuire, Robert  
 Pantelakos, Laura  
 Shultis, Elizabeth  
 Whittier, John

Bowles, Raimond  
 Coes, Betsy  
 Johnson, Robert  
 Micklon, Stephanie  
 Pitts, Jacqueline  
 Splaine, James

Case, Margaret  
 Dearborn, Bruce  
 Kane, Cecelia  
 Norelli, Terie  
 Robertson, Carl  
 Trueman, Raymond

Chalbeck, Kevin  
 DiFruscia, Anthony  
 Langone, John  
 O'Keefe, Patricia  
 Sapareto, Frank  
 Weatherspoon, Jacquelyne

## STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Goodwin, Earle  
 Johnson, Nancy  
 McCarthy, Gerald  
 Smith, Marjorie  
 Woodill, Rodney

Brennan, William  
 Estabrook, Iris  
 Grassie, Anne  
 Kaen, Naida  
 Pelletier, Arthur  
 Snyder, Clair

Callaghan, Frank  
 Ferland, Paul  
 Heon, Richard  
 Knowles, William  
 Proulx, Raymond  
 Spang, Judith

DeChane, Marlene  
 Gilmore, Gary  
 Hughes, Christopher  
 Lent, Donald  
 Rollo, Michael  
 Taylor, Kathleen

## SULLIVAN

Allison, David  
 Franklin, Peter  
 Phinizy, James

Burling, Peter  
 Harris, Joseph

Cloutier, John  
 Harris, Sandra

Ferland, Brenda  
 Leone, Richard

## NAYS 211

### BELKNAP

Bartlett, Gordon  
 Flanders, Donald  
 Rice, Thomas Jr  
 Wendelboe, Fran

Boyce, Laurie  
 Holbrook, Robert  
 Rosen, Ralph

Czech, Stanley  
 Lawton, David  
 Russell, David

Dewhirst, Glenn  
 Nedeau, Stephen  
 Thomas, John

## CARROLL

Babson, David Jr  
 Mock, Henry  
 Stevens, Stanley

Bradley, Jeb  
 Patten, Betsey  
 Sullivan, P Judith

Dickinson, Howard  
 Philbrick, Donald  
 Torressen, Gary

Lyman, L Randy  
 Quimby, Lee

## CHESHIRE

Avery, Stephen  
 Roberts, William

Dexter, Judson  
 Royce, H Charles

Emerson, Susan  
 Smith, Edwin

Hunt, John

**COOS**

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Eaton, Richard  
Fletcher, Richard  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Elliott, Larry  
Flora, Kathleen  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

Artz, Lawrence  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Emerton, Lawrence Sr  
Ford, Nancy  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob  
White, Donald

Balboni, Michael  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dyer, Merton  
Fields, Dennis  
Furman, Christine  
Graham, John  
Herman, Keith  
Kurk, Neal  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
L'Heureux, Stephen  
Maxfield, Roy  
Whalley, Michael

Colcord, J D  
Hess, David  
Langer, Ray  
Poulin, David  
Winter, Steven

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Soltani, Tony

Dunne, Christopher  
Kennedy, Richard  
MacKay, James  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Kelley, Jane  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

Belanger, Ronald  
Carson, Sharon  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Bishop, Franklin  
Clark, Vivian  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Rausch, James  
Sloan, Stephen  
Welch, David

Bridle, Russell  
Cooney, Richard  
Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Langley, Jane  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Musler, George  
Wall, Janet

Bickford, David  
Reid, Christopher  
Woods, Phyllis

Cossette, Larry  
Tsiros, William

Harrington, Michael  
Twombly, James



## SULLIVAN

Flint, Gordon Sr

Jones, Constance

Odell, Bob

Rodeschin, Beverly

and the minority amendment failed.

Rep. Kurk yielded to questions.

The question being adoption of the report.

On division vote, 244 members having voted in the affirmative and 141 in the negative, the report was adopted.

Ordered to third reading.

**HB 25-FN-A, making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This is the capital appropriations budget. It represents bonded and long-term commitments for construction and repair as well as high-priced equipment with useful applications of eight years or more. Finance Committee supported the majority of the report as it came to us from the Committee on Public Works and Highways. Subsequent developments in the legislative process allowed the Finance Committee to make the following changes:

1. Anticipated new revenue to the unrestricted general fund revenue allowed us to add approximately \$5 million to the general fund bonding. 2. Nashua Vocational Center, the oldest vocational high school: \$4.5 million for equipment. 3. Health and Human Services: \$495,000 for laboratory equipment, funds moved from operating budget 4. Department of Safety: Dormitory and class rooms at Fire Standards and Training Academy to support federal grant for multi-state aviation fire fighting. Funds for the bond will not be from the general fund but will be from revenue generated by rent and additional revenue identified in HB 218 and HB 303, with a contingency statement should those bills be altered. The Committee understood that there were ongoing negotiations relative to the University System section. At the time of our deliberations there was no final agreement. We anticipate a floor amendment. Vote 20-0.

**Amendment (0901h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

**I. Adjutant General.**

A. Armory Renovations - Statewide	\$ 400,000
B. Reroofing Plymouth and Franklin Armories and SMR building "F"	210,000
C. Army Aviation Support Facility Construction - Concord	30,600,000
Less Federal	- 30,600,000
Net state appropriation subparagraph C	0
D. NHSVC Administration Building	514,000
Less Federal	- 514,000
Net state appropriation subparagraph D	0
E. NHSVC Grave Locator and Public Restroom	94,000
Less Federal	- 94,000
Net state appropriation subparagraph E	0
F. NHSVC Columbarium Expansion	305,000
Less Federal	- 305,000
Net state appropriation subparagraph F	0
G. NHSVC Irrigation	141,000
Less Federal	- 141,000
Net state appropriation subparagraph G	0
H. NHSVC Foot Bridge	210,000
Less Federal	- 210,000
Net state appropriation subparagraph H	0
I. USPFO Addition and Renovation	4,036,700
Less Federal	- 4,036,700
Net state appropriation subparagraph I	0

J. NHNG Training Site Range-Center Strafford	2,280,800
Less Federal	- 2,280,800
Net state appropriation subparagraph J	0
Total state appropriation paragraph I	\$ 610,000
II. Administrative Services.	
A. Bureau of General Services.	
1. State Laboratory - Complete HVAC Repairs	\$ 8,552,200
2. E-911 Install Ventilation Unit	133,000
3. 6 Hazen Drive - Install Fire Suppression System	807,500
4. State Library - Install Fire Suppression System	310,000
5. State House Annex - Life Safety Code Improvements	106,500
6. State House Annex - Upgrade Elevators	198,000
7. 6 Hazen Drive - Replace State Laboratory Roof	160,000
8. State House - Upgrade Elevators	198,000
9. State House - Repoint Exterior Granite & Caulk Windows	205,000
10. State House - Dome	300,000
11. State House Annex - Mailroom Lift	93,500
12. Johnson Hall Renovations - State Office Park South	229,576
13. Storrs Street Garage - Parking Garage Repairs	513,000
Total state appropriation subparagraph A	\$ 11,806,276
B. Bureau of Court Facilities.	
1. Carroll County Courthouse Construction	\$ 6,250,000
2. Roof - Nashua	115,700
Total state appropriation subparagraph B	\$ 6,365,700
Total state appropriation paragraph II	\$ 18,171,976
III. Agriculture, Markets, and Food.	
A. NH Bldg. At Eastern States Exposition	\$ 200,000
Total state appropriation paragraph III	\$ 200,000
IV. Community-Technical College System.	
A. Learning Resource Center - Stratham	\$ 1,584,000
B. System Maintenance - Statewide	705,000
C. Machine Tool Lab - Nashua	350,000
D. New Academic Building - Laconia (Design)	700,000
E. Mezzanine Instruction Renovation - Manchester	739,850
F. Computer System Upgrades *	600,000
G. Computer System Upgrades - Claremont*	350,000
H. Mobile Equipment Center Design/Child Care - Berlin	250,000
I. Christa McAuliffe Planetarium - Alan B. Shepard Memorial Wing	100,000
Total state appropriation paragraph IV	\$ 5,378,850
V. Department Of Corrections.	
A. Upgrade Electronic Perimeter Fence Phase 2 - Concord	\$ 100,000
Total state appropriation paragraph V	\$ 100,000
VI. Department of Cultural Resources.	
A. Statewide Union Catalog Hardware*	\$ 225,000
Total state appropriation paragraph VI	\$ 225,000
VII. Department Of Education.	
A. Education Statistics System *	\$ 200,000
B. Grants Management *	650,000
Less Federal	- 500,000
Net state appropriation subparagraph B	150,000
C. Vocational Rehabilitation Case Management System *	170,000
Less Federal	- 140,000
Net state appropriation subparagraph C	30,000

D. Career Development System (Phase 2) *	227,500
Less Federal	- 98,000
Net state appropriation subparagraph D	129,500
E. Regional Vocational Center Renovation - Keene	4,500,000
F. Vocational Center Construction - Nashua (Phase I)	4,500,000
Total state appropriation paragraph VII	\$ 9,509,500
VIII. Department Of Environmental Services.	
A. Drinking Water SRF Matching Funds	\$ 721,400
B. Wastewater SRF Matching Funds	5,361,274
Total state appropriation paragraph VIII	\$ 6,082,674
IX. Department Of Health & Human Services.	
A. Patient Res. ADA & Fire Sys/Transitional Housing - State Office Park South	\$ 433,750
B. Asbestos Abatement - State Office Park South	996,250
C. Main Building - ADA, Fire/Life Safety Renovations	265,000
D. MOP Roof Replacement/Wiring, Phone, Alarm - Laconia	210,000
E. Laconia MR Offenders New Building	500,000
F. Patient Care Network *	700,000
G. LITS (Lab Information Tracking System) *	250,000
H. Bridges Enhancement *	\$ 3,000,000
Less Federal	- 1,500,000
Net state appropriation subparagraph H	1,500,000
I. DFA New Heights Enhancements *	3,100,000
Less Federal	- 1,550,000
Net state appropriation subparagraph I	1,550,000
J. Public Health Laboratories Replacement Equipment	495,000
Total state appropriation paragraph IX	\$ 6,900,000
X. Liquor Commission.	
A. Renovate Store #38 & Parking Lot - Portsmouth	\$ 685,000
B. Renovate Store #34 - Salem & New HVAC	593,000
Total state appropriation paragraph X	\$ 1,278,000
XI. Department Of Resources and Economic Development.	
A. Statewide Radio System	\$ 582,200
B. Exterior Repairs, Roofing - Statewide	200,000
C. Road Repairs/Parking Lot Maintenance - Statewide	200,000
D. Cannon Mt. Aerial Tram-Upgrade Drive & Control Sys.	995,000
Less Park Fund	- 995,000
Net state appropriation subparagraph D	0
Total state appropriation paragraph XI	\$ 982,200
XII. Supreme Court.	
A. Computer System Upgrade *	\$ 1,100,000
Total state appropriation paragraph XII	\$ 1,100,000
XIII. Department Of Transportation.	
A. 5-10 percent match for FAA Projects	\$ 2,800,000
B. Repair State Rail Lines	2,000,000
Less Federal	- 1,000,000
Net state appropriation subparagraph B	1,000,000
C. Public Transit Bus Replacement	1,000,000
Less Federal	- 800,000
Less Other	- 100,000
Net state appropriation subparagraph C	100,000
Total state appropriation paragraph XIII	\$ 3,900,000

## XIV. Veterans Home.

A. 100 Electric Beds	\$ 150,000
B. Parker Tubs	40,000
Total state appropriation paragraph XIV	\$ 190,000

## XV. Youth Development Services.

A. King Cottage Renovations - Const. YDS	\$ 415,000
B. ADA Compliance and Sprinkler/Fire Detection - Const.	500,000

Total state appropriation paragraph XV \$ 915,000

Total state appropriation section 1 \$ 55,543,200

\* The bonds issued for these projects shall be 5 year bonds.

## 2 Appropriation; University System of New Hampshire.

I. The general court intends to appropriate a total of \$100,000,000 during the bienniums ending June 30, 2003, June 30, 2005, and June 30, 2007 to fund capital improvement projects at the university system of New Hampshire. The legislature intends to appropriate \$33,000,000 for the biennium ending June 30, 2005; and \$33,000,000 for the biennium ending June 30, 2007.

## II. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Murkland Hall renovation	\$ 8,500,000
B. Mason Library renovation	\$ 4,600,000
C. Boyd Hall renovation and expansion	\$ 16,000,000
D. Kingsbury Hall design	\$ 3,000,000
E. NHPTV equipment	\$ 1,900,000

Total state appropriation section 2 \$ 34,000,000

III. Requests by the university system of New Hampshire submitted in the capital budget request in accordance with RSA 9 for the bienniums ending June 30, 2005 and June 30, 2007 shall specify which projects the university system intends to include in the \$33,000,000 to be appropriated for that biennium.

3 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Statewide Fish Hatchery Capital Improvement Study	\$ 200,000
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Total state appropriation section 3 \$ 200,000

4 Appropriation; Department of Safety and Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

## I. Department Of Safety.

A. Hayes Building Sprinkler System	\$ 424,500
B. Radio System - County Tie-in	1,000,000

Total state appropriation paragraph I \$ 1,424,500

## II. Department Of Transportation.

A. Security & Building Modifications - Traffic	\$ 626,000
B. Energy/Environmental Renovations/Replacements and Emergency Repairs - Statewide	1,000,000
C. Replacement of Shop Cranes - Mechanical Services - Statewide	407,000
D. New Garage & Testing Lab Facility	\$ 18,423,000
Less Other (Sale of existing garage)	- 4,000,000

Net state appropriation subparagraph D 14,423,000

Total state appropriation paragraph II \$ 16,456,000

Total state appropriation section 4 \$ 17,880,500

5 Expenditures: General. The appropriation made for the purpose mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

## 6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All



contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees and subject to the provisions of section 13 of this act.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$107,623,700 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

#### 9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made from the fish and game fund.

(b) Section 4 shall be made from the highway fund.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, or for expenditures made pursuant to section 6 by the trustees of the university system, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3 and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Oversight and Reporting Required; University System. The legislative budget assistant shall provide a report every 90 days to the governor and legislative capital budget overview committee on the progress of each of the capital projects funded from the sum appropriated and authorized in section 2 beginning September 30, 2001 until the funds appropriated in section 2 are fully expended. Said reports shall include the method of selecting contractors, the current total project cost, funds encumbered, actual expenditures, and estimated completion date for each project. The board of trustees of the university system of New Hampshire shall provide information necessary for the reports upon request of the legislative budget assistant.

14 Appropriation; Office of the Legislative Budget Assistant. The sum of \$50,000 for the biennium ending June 30, 2003, is hereby appropriated to the office of the legislative budget assistant for the purpose of preparing the reports required by section 13 of this act. This appropriation shall be in addition to any other sums appropriated to the office of the legislative budget assistant. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any budget bill enacted during the 2001 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

16 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Addition to Student Center; Concord.

I. The sum of \$1,500,000 is appropriated to the department of regional community-technical colleges for the purpose of the construction of an addition to the Dr. Goldie Crocker Wellness Center on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the technical institute private fund.

17 Appropriation Purpose Amended; Department of Transportation; Salt Sheds; Exeter, Gonic, Moultonborough. Amend 1999, 226:4, I, B to read as follows:

B. [~~Roof repair/Stickney Ave.~~] *Salt Sheds – Exeter Patrol Shed,  
Gonic, Moultonborough*

630,000

18 Appropriation; Payment of Bonds and Notes; Department of Safety; Addition to Dormitory; Fire Standards and Training.

I. The sum of \$2,687,400 is appropriated to the department of safety for the purpose of the construction of an addition to the dormitory at the fire standards and training center.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,687,400 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fire standards and training and emergency medical services fund.

19 Contingency; Appropriation to Department of Safety. If both HB 303 and HB 218 of the 2001 legislative session do not become law, then section 18 of this act shall not take effect.

20 Lapse Dates Extended to June 30, 2003. The following appropriations are hereby extended to June 30, 2003.

I. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as amended by 1997, 349:29, and as extended by 1997, 349:34, XVII and 1999, 226:32, VIII, for preliminary design of expanded correctional facilities, including land acquisition, in accordance with federal crime bill grants.

II. The appropriation made to the department of corrections in 1998, 223:2, as extended by 1999, 226:32, XLII, for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

III. The appropriation made to the department of corrections in 1999, 226:1, V, D, for a new halfway house.

IV. The appropriation made to the department of resources and economic development in 1997, 349:1, X, B, C, as extended by 1999, 226:32, XXXVI, for rocky bend seawall repairs and replacement of the Sunapee bathhouse.

V. The appropriation made to the department of resources and economic development in 1999, 226:1, XII, A, C, D, E, for ADA compliance for parks facilities, new toilet facilities – Hampton, septic gray water system – Mount Washington, and install power – Crawford Notch.

VI. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 1, for Johnson Hall stair tower.

VII. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, as extended by 1997, 349:34, XI and 1999, 226:32, V, for health and human services building and laboratory HVAC renovations.

VIII. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 2, for state lab electrical wiring/panel replacement.

IX. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 4, for health and human services flash and recoat stair tower.

X. The appropriation made to the department of administrative services in 2000, 283:2, for renovation to the Walker building.

XI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 3, as extended by 1999, 226:32, XIX, for roof repairs – Supreme Court.

XII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12, as extended by 1999, 226:32, XXII, for emergency repairs, contingency fund.

XIII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13, as extended by 1999, 226:32, XXIII, for the life safety, renovations – health and human services building.

XIV. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 8, for executive/legislative budget system.

XV. The appropriation made to the department of administrative services, bureau of court facilities in 1993, 359:1, II, B, 2, as extended by 1994, 171:1, 1996, 257:5 and 1998, 226:4, and as amended by 2000, 283:4, for the Plaistow district court.

XVI. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3, as amended by 1997, 349:34, XIV, and as extended by 1999, 226:32, VI, for the study and design of court facility on county donated land – Carroll County Superior Court.

XVII. The appropriation made to the department of administrative services in 1997, 349:1, II, C, 1, as extended by 1999, 226:32, XXV, for the bureau of court facilities Dover/Durham/Somersworth District Court.

XVIII. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 9, for information technology plan consultants.

XIX. The appropriation made to the department of safety in 1999, 226:4, II, A, as amended by 2000, 132:2, for design and construct troop D barracks/DMC training.

XX. The appropriation made to the department of safety in 1999, 226:4, II, D, for carpeting at 10 Hazen Drive, Concord

XXI. The appropriation made to the department of safety in 1999, 226:4, II, B, for paving and roof replacement at troop stations.

XXII. The appropriation made to the department of education in 1999, 226:1, VI, A, for computer applications expansion/replacement.

XXIII. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, 1997, 349:34, X and 1999, 226:32, IV, for land acquisition for navigation beacons.



XXIV. The appropriation made to the department of transportation in 1997, 349:1, XIV, A, as extended by 1999, 226:32, XXXVII, for 5-10 percent match FAA airport projects.

XXV. The appropriation made to the department of transportation in 1999, 226:1, XIII, A, for match for FAA projects.

XXVI. The appropriation made to the department of transportation in 1999, 226:1, XIII, B, for match for public transit bus replacement.

XXVII. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, for acquisition for railroad and airport properties.

XXVIII. The appropriation made to the department of transportation in 1999, 226:1, XIII, E, for compliance, governor's commission on disability.

XXIX. The appropriation made to the department of transportation in 1999, 226:4, I, E, for energy and environmental renovations-statewide.

XXX. The appropriation made to the department of transportation in 1999, 226:4, I, F, for Conway rest area.

XXXI. The appropriation made to the department of transportation in 1999, 226:1, XIII, D for the Concord rail bridge.

XXXII. The appropriation made to the department of transportation in 1999, 226:4, I, B, as amended by section 17 of this act, for salt sheds - Exeter patrol shed, Gonic, Moultonborough.

XXXIII. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I, as extended by 1997, 349:34, XXIII and 1999, 226:32, XI, for RSA 171-B mentally retarded criminal offenders.

XXXIV. The appropriation made to the department of health and human service by 1995, 310:191, as amended by 1997, 349:31 and 1998, 276:2, as extended by 1997, 349:34, XXXVII and 1998, 276:3, and as amended by 1999, 226:29 and extended by 1999, 226:32, XVI for design and renovation of APS-B-wing, M and S building and Thayer building improvements, Glencliff home improvements, and improvements to the Brown building.

XXXV. The appropriation made to the department of health and human services in 1999, 226:1, VIII, A for laboratory safety improvements.

XXXVI. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F for Laconia developmental services campus-designated receiving facility renovations-developmental services.

XXXVII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H for information technology.

XXXVIII. The appropriation made to the New Hampshire port authority in 1999, 226:1, XI, A, for building improvements.

XXXIX. The appropriation made to the New Hampshire veterans' home in 1999, 226:1, XIV, A, to design and build a new facility.

XL. The appropriation made to the adjutant general in 1999, 226:1, I, C, for renovation of state armories.

XLI. The appropriation made to the community technical college system in 1999, 226:1, IV, C, for maintenance/critical repairs.

XLII. The appropriation made to the community technical college system in 1999, 226:1, IV, D, for general science laboratory upgrades.

XLIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, D, for storage building for emergency response equipment.

XLIV. The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1, as extended by 1991, 351:27, II(g), 1992, 149:2, I, 1993, 359:20, I, and 1995, 309:33, I for upgrading state-owned flood retardation structures at small watershed program sites.

XLV. The appropriation made to the department of environmental services in 1995, 309:1, VI, C, as extended by 1997, 349:34, XXI, for superfund program.

XLVI. The appropriation made to the department of environmental services in 1995, 309:1, VI, A as extended by 1997, 349:34, XIX and 1999, 226:32, X, for the state revolving fund program - wastewater.

XLVII. The appropriation made to the department of environmental services in 1997, 349:1, VI, A and 1999, 226:32, XXIX, for the wastewater state revolving fund match.

XLVIII. The appropriation made to the department of environmental services in 1997, 349:1, VI, B and 1999, 226:32, XXX, for the drinking water state revolving fund match.



XLIX. The appropriation made to the department of environmental services in 1997, 349:1, VI, F and 1999, 226:32, XXXII, for dam removal.

L. The appropriation made to the department of environmental services in 1999, 226:1, VII, A, for drinking water state revolving fund match.

LI. The appropriation made to the department of environmental services in 1999, 226:1, VII, B, for wastewater state revolving fund match.

LII. The appropriation made to the department of environmental services in 1999, 226:1, VII, C, for hazardous waste superfund match.

LIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, H, for Winnepesaukee operations model.

LIV. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F, for Laconia developmental services campus-designated receiving facility renovations-developmental services.

21 Contingency; Department of Transportation. Section 17 of this act and paragraph XXXII of section 20 of this act shall only take effect if the 2001 capital budget includes the appropriation to the department of transportation for a new garage and testing lab facility, as provided in paragraph II, D of section 4 of this act.

22 Effective Date.

I. Section 20 of this act shall take effect June 30, 2001.

II. Section 18 of this act shall take effect as provided in section 19 of this act.

III. The remainder of this act shall take effect on July 1, 2001.

Adopted.

Rep. Jeb Bradley offered a floor amendment (0952h).

### **Floor Amendment (0952h)**

Amend the bill by replacing section 2 with the following:

2 Appropriation; University System of New Hampshire Projects.

I. The Knowledge Economy Education Plan (KEEP NH) documents the need for investment in university system of New Hampshire projects primarily to renovate and expand science, engineering, and technology facilities. A sum of \$100,000,000 is hereby committed to the university system of New Hampshire for KEEP NH, with the first \$37,000,000 appropriated effective July 1, 2001 and the remaining \$63,000,000 appropriated upon approval by the capital budget overview committee. The appropriations are for the following capital projects:

- (a) Murkland Hall renovations (UNH);
- (b) Mason Library renovations (KSC);
- (c) Boyd Hall renovation and expansion (PSC);
- (d) Kingsbury Hall renovation and expansion (UNH);
- (e) Science Building renovation and expansion (KSC);
- (f) Infrastructure work on all campuses (USNH); and
- (g) NHPTV equipment (UNH);

II. The university system board of trustees shall determine the timing of the projects and the specific dollar allocation to each from the sum available under paragraph I while ensuring the respective campus priorities are addressed. The board of trustees shall submit the programs and design development drawings which include cost estimates, design criteria, and square footage requirements for the projects in paragraph I to the capital budget overview committee for its review and approval as soon as possible. The board of trustees has stated that if the capital budget overview committee approval is received within 45 days of submittal then all 5 major facility projects listed in paragraph I(a)-(e) will be completed within the above appropriation. The capital budget overview committee approval is also required for the project in paragraph I(f). The appropriation shall be nonlapsing and in addition to any other appropriation to the university system; provided, however, that the university system shall not receive actual cumulative payments from the state for such purposes of more than:

- (a) \$40,000,000 in the biennium ending June 30, 2003.
- (b) \$70,000,000 through the biennium ending June 30, 2005.
- (c) \$100,000,000 through the biennium ending June 30, 2007.

Amend section 6 of the bill by inserting after paragraph IV the following new paragraph:

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2, for any of the projects listed in paragraph I of section 2, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

Amend the bill by replacing section 8 with the following:

**8 Bond Authorized.**

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$73,623,700 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

II. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$100,000,000 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

- (a) \$40,000,000 in the biennium ending June 30, 2003.
- (b) \$70,000,000 through the biennium ending June 30, 2005.
- (c) \$100,000,000 through the biennium ending June 30, 2007.

Rep. Jeb Bradley spoke in favor.

Floor amendment (0952h) was adopted.

Report adopted and ordered to third reading.

**HB 748-FN-A-L**, relative to the distribution of aid to pupils eligible for free or reduced-price meals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Francine Wendelboe for the Majority of Finance: This bill as amended revises the formula used to calculate the cost of an adequate education. The first section changes the part of the formula dealing with targeted aid based on pupils receiving free and reduced-price lunch. It provides for three tiers of targeting, with weights increasing as the proportion of free and reduced-price lunch students increases. This will bring the total amount targeted closer to the level recommended by the consultants to the Adequacy Commission. A "hold harmless" provision insures that no district's grant will be reduced as a result of this change. Another section of the bill puts an inflation cap on the base amount component of the formula. A rolling, three-year average of the northeast consumer price index is the inflation standard. Other sections of the bill make technical changes to account for re-scaled test scores, to eliminate double-counted revenue with respect to transportation reimbursement, and to remove home-schooled pupils from the total pupil count, among others. None of these changes has a significant effect on cost calculation. Vote 12-7.

Rep. Mary Jane Wallner for the Minority of Finance: This bill will cause a reduction in adequate education grants to the districts. This reduction comes at the expense of children in the poorest school districts. The current formula distributes \$57 million on the basis of free and reduced lunch eligibility. The hold harmless provision evaporates when school populations increase and the base cost of adequacy rises. Without the hold harmless provision this bill reduces this targeted spending to less than \$20 million. The minority believes the question should be divided and that section one should be Inexpedient to Legislate.

**Majority Amendment (0850h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.

Amend the bill by replacing all after the enacting clause with the following:

I School Money; Definition of Weighted Pupil. RSA 198:38, VII (d) is repealed and reenacted to read as follows:

(d) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality's elementary average daily membership in residence by the fraction of the district's pupils eligible to receive a free or reduced-price meal multiplied by:

(1) If less than 15 percent of the district's pupils are eligible to receive a free or reduced-price meal, zero.

(2) If at least 15 percent but less than 20 percent of the district's pupils are eligible to receive a free or reduced-price meal, 0.11.

(3) If at least 20 percent but less than 25 percent of the district's pupils are eligible to receive a free or reduced-price meal, 0.22.

(4) If 25 percent or more of the district's pupils are eligible to receive a free or reduced-price meal, 0.33.

Nothing in this subparagraph shall result in a decrease in the adequate education grant amount calculated and distributed under RSA 198:40 and 198:41 to a municipality in the fiscal year ending June 30, 2002, or any fiscal year thereafter.

2 School Money; Definitions. Amend RSA 198:38, X to read as follows:

X. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence as defined in RSA 189:1-d, IV except that no *preschool or* kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

3 School Money; Definitions. Amend RSA 198:38, XI to read as follows:

XI. "Transportation costs" means the costs of transporting pupils to and from school and other school activities reported by school districts on the ~~MS-25~~ *DOE-25* form.

4 School Money; Determination of Per Pupil Adequate Education Grants. Amend RSA 198:40, I to read as follows:

I. For the biennium beginning July 1, ~~1999~~ *2003*, and every biennium thereafter, the cost per pupil shall be established using the following formula:

(a) The department of education shall calculate the base expenditure per pupil for each school district that operates an elementary school by subtracting from the total expenditures at the elementary school level, tuition to other school districts or approved educational programs, capital costs and debt service on such costs, special education costs, food service costs, transportation costs, adult/continuing education and community services costs, and federal revenues not otherwise deducted. For each school district, this amount shall be divided by the average daily membership in attendance at the elementary school level to attain the base expenditure per pupil.

(b) The adequate education grant amount shall be calculated as follows:

(1) The department of education shall identify those school districts where ~~40 to 60~~ percent of the elementary pupils enrolled in the grades tested on the day testing began, achieved a scaled score, in the statewide educational improvement and assessment program administered pursuant to RSA 193-C, in all areas tested, equivalent to performance at the basic level or above, *for each of the 3 previous years, a minimum of 11 pupils were assessed in each subject area of the statewide assessment program administered to pupils in the third and sixth grades. For each grade and year, the department shall determine the average percentage of pupils performing at the basic level or above. The average shall be based on the number of pupils enrolled on the test date. A basic level or above percentage for each district shall be computed using the average of each grade and year. Districts where the 3-year average performance at the basic level or above is between 50 percent and 70 percent shall be selected.*

(2) From the school districts ~~identified~~ *selected* in subparagraph I(b)(1) of this section, the department of education shall then identify those school districts that have the lowest base expenditure per pupil as calculated pursuant to subparagraph I(a) and which represent, as nearly as possible, 50 percent of the average daily membership in attendance at the elementary level of the school districts identified in subparagraph I(b)(1) of this section.

(3) The department of education shall calculate ~~the~~ *an* average base cost per pupil of an adequate education at the elementary school level by multiplying the base expenditure per pupil of each school district identified in subparagraph I(b)(2) of this section by the average daily membership in attendance at each of the selected school districts, and add the results across all districts selected. This sum shall then be divided by the total average daily membership in attendance at the elementary school level in all of the selected school districts and the result shall be multiplied by .9025.

(4) *The department shall calculate an alternative base cost per pupil by multiplying the base cost per pupil calculated in the immediately preceding biennium by an amount equal to one plus 2 times the average annual rate of inflation taken from the 4 calendar years immediately*



*preceding the calendar year in which the calculation in this subparagraph is made. Inflation shall be measured by the northeast consumer price index as published by the United States Department of Labor.*

*(5) The base cost per pupil for the biennium shall be the lower of the base cost per pupil calculated in subparagraphs I(b)(3) and I(b)(4).*

5 School Money; Determination of Per Pupil Adequate Education Grants. Amend RSA 198:40, III to read as follows:

III. For each fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the average base per pupil cost of an adequate education *as determined in RSA 198:40, I* by the statewide weighted average daily membership in residence of pupils *as determined in RSA 198:40, II* and then adding 70 percent of total statewide transportation costs *less local transportation revenue*.

6 School Money; Duties of the Department of Education. Amend RSA 198:44, I to read as follows:

I. The department of education shall, on or before September 30 of each year, collect from the school districts final data concerning all aspects of student attendance for the school year ending June 30 of that year necessary to establish the average daily membership, average daily membership in residence, and weighted average daily membership in residence, including the municipality of residence for each pupil for that year. The department of education shall submit a report by December 31 *of each year* to the speaker of the house of representatives and the senate president to be used for purposes of determination by the legislature of the appropriation to the education trust fund. A copy of such report shall, at the same time, be given to the department of revenue administration.

7 School Boards, Teachers; Definitions; Attendance Added. Amend RSA 189:1-d, I to read as follows:

I. *"Attendance" means full-time participation in a program of instruction under the direction of teachers employed by the school district.*

*I-a. "Average daily attendance" means the aggregate half-day attendance divided by the number of half-days actually in session for a given school district in a given school year.*

8 School Boards, Teachers; Definitions; Average Daily Membership in Residence. Amend RSA 189:1-d, IV to read as follows:

IV. *"Average daily membership in residence" means the average daily membership of students [enrolled] in attendance in public schools within the district or students whose tuition is being paid by the district to another approved public or private school for a given school district in a given school year.*

9 Procedure for Formation of Cooperative School Districts; Apportioning Operating Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(e) to read as follows:

(e) The method of apportioning the operating expenses of the cooperative school district among the several preexisting districts and the time and manner of payment of such shares. [~~Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II shall not be included in the average daily membership relative to apportionment formulas.~~]

10 Procedure for Formation of Cooperative School Districts; Apportioning Capital Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(g) to read as follows:

(g) The method of apportioning the capital expenses of the cooperative school district among the several preexisting districts, which need not be the same as the method for apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the costs of acquiring land and buildings for school purposes, including property owned by a preexisting district; the construction, furnishing, and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same or which is assumed by the cooperative school district. [~~Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II, shall not be included in the average daily membership relative to apportionment formulas.~~]

11 Effective Date. This act shall take effect July 1, 2002.



## AMENDED ANALYSIS

This bill:

I. Revises the pupil weighting formula used to calculate the cost of an adequate education based on the number of pupils eligible to receive a free or reduced-price lunch.

II. Makes changes to the formula for calculating adequate education grants by using 3 years of statewide assessment program results administered in the third and sixth grades.

III. Defines "attendance" for purposes of determining average daily membership in attendance and average daily membership in residence.

IV. Deletes the home education pupil exclusions from the cooperative school district apportionment of expenses laws.

Rep. Marjorie Smith inquired as to whether the question could be divided.

The Speaker ruled the question was divisible

Rep. Estabrook requested that Section I be divided and spoke against.

Rep. Leone spoke against.

Rep. Cox spoke in favor and yielded to questions.

Rep. Hess spoke in favor.

Rep. Marjorie Smith yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of Section 1 of the majority amendment.

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## BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

## CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith
Torresen, Gary			

## CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin			

## COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

## GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Ward, Brien	Williams, Burton	

## HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	Bouldin, Michael	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Elliott, Larry
Emerton, Lawrence R	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Furman, Christine	Gargasch, Carolyn	Golding, William

Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Moran, Edward  
Sargent, Maxwell  
Thompson, Rob

Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McHugh, Claire  
Pappas, Marc  
Souza, Kathleen  
Thulander, O Alan

Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
Reeves, Sandra  
Tahir, Saghir  
Wheeler, Robert

Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Salts, Greg  
Tate, Joan  
White, Donald

### MERRIMACK

Anderson, Eric  
Fraser, Leo Jr  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Colcord, J D  
Hess, David  
Leber, William  
Soltani, Tony

Cummings, Raymond  
Hutchinson, John  
MacKay, James  
Swindlehurst, John

Dunne, Christopher  
Kennedy, Richard  
Maxfield, Roy  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
Moore, Benjamin  
Palermo, Diane  
Quandt, Matthew  
Stone, Joseph  
Weyler, Kenneth

Belanger, Ronald  
Carson, Sharon  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Reardon, Neil  
Stritch, C Donald

Bishop, Franklin  
Chalbeck, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, William  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Ruffner, Walter  
Varrell, Thomas

Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Quandt, Marshall  
Saia, Pamela  
Welch, David

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Twombly, James

Bickford, David  
Lachance, Douglas  
Woods, Phyllis

Cossette, Larry  
Musler, George

Dunlap, Patricia  
Reid, Christopher

### SULLIVAN

Odell, Bob

Rodeschin, Beverly

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### BELKNAP

Flanders, Donald  
Salatiello, Thomas

Johnson, William  
Wood, Jane

Millham, Alida

Pilliod, James

### CARROLL

Philbrick, Donald

Quimby, Lee

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

DePecol, Benjamin  
Meader, David  
Russell, Ronald

### COOS

Bradley, Paula  
Rodrigue, Robert

Davis, Perley  
Stohl, Eric

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Teschner, Douglass	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Artz, Lawrence	Balcom, John
Baroody, Benjamin	Bellavance, Paul	Bergin, Peter	Buckley, Raymond
Cardin, Lori	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Eaton, Richard	Foster, Linda	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Milligan, Robert
Movesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pepino, Leo	Peterson, Andrew	Rowe, Robert	Schulze, Joan
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Vaillancourt, Steve	White, John	Williams, Carol	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Langer, Ray	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Whitemore, James
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	DiFruscia, Anthony	Downing, Michael
Kane, Cecelia	Kelley, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Power, Lucille	Rausch, James	Robertson, Carl
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	Woekel, Ralph
Zolla, William			

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Tsiros, William	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	

and Section I of the majority amendment was adopted.

The remainder of the majority amendment was adopted.

On a division vote, 214 members having voted in the affirmative and 169 in the negative, the majority report was adopted.

Ordered to third reading.

**HB 749-FN-A-L**, relative to the transportation cost component in the determination of adequate education grants. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Finance: This bill would change the way that the cost of transportation is calculated related to the statewide cost of an adequate education. The school transportation needs of our communities vary significantly depending on whether they are rural, semi-rural or urban. New Hampshire has long valued those differences. The changes called for in this bill would result in an inequitable burden on our towns and cities. Vote 13-8.  
Adopted.

**HB 767-FN-A-L**, establishing the excellence in learning in New Hampshire school funding and improvement program and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Neal M. Kurk for the Majority of Finance: This bill was divided by the Speaker into sections that were then referred to the appropriate policy committees. Ways and Means moved Inexpedient to Legislate on all the sections on revenue, and the Education Committee moved Inexpedient to Legislate on the sections on education. The balance of sections remaining for Finance to consider no longer had any application when the other sections as acted on by Ways and Means and Education were removed. Respecting the decisions of the policy committees, Finance came to the only logical conclusion and found the bill Inexpedient to Legislate. Vote 13-7.

Rep. Mary Jane Wallner for the Minority of Finance: HB 767 is comprehensive legislation that provides the sustainable funding necessary to meet our constitutional obligation to provide an adequate education for every child, reduces existing taxes, and sets us on a course toward educational excellence by setting rigorous performance standards for schools and through a model early literacy and reading initiative. HB 767 lowers the statewide property tax rate down to \$4.90, cuts the business enterprise tax in half, reduces the interest and dividends tax by 10 percent, and repeals the legacies and succession tax. HB 767 provides additional property tax relief to low and moderate income homeowners through a sliding scale homestead rebate on the state property tax. The 2.5 percent sales tax in HB 767 is half the rate of our three border states, low enough to maintain our retail advantage. HB 767 exempts every-day essential items from the sales tax, including food, clothes, prescription and over-the-counter medications, and heating fuel. The school performance and accountability provisions in HB 767 are consistent with those proposed by President Bush on a national level and are nearly identical to those recommended last fall by the bipartisan legislative adequacy commission led by the chairman of the House Finance Committee. HB 767 also modifies the poverty weighting formula in current law to eliminate the "cliff" effect and steer more state funds to the poorest communities in the state. It is time to enact a long-term school funding solution. HB 767 gets the job done and deserves to be passed on to the Senate.

Reps. Leishman and Dokmo spoke against.

Reps. Kurk and Whalley spoke in favor.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 235 NAYS 148**

**YEAS 235**

**BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith		

**CHESHIRE**

Edwards, Dana	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Roberts, William	Royce, H Charles	Smith, Edwin	



**COOS**

Gallus, John  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Bruno, Pierre  
Chabot, Robert  
Coughlin, Pamela  
Drisko, Richard  
Fletcher, Richard  
Gargas, Carolyn  
Graham, John  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Martin, Mary Ellen  
Messier, Irene  
Pepino, Leo  
Salts, Greg  
Tahir, Saghir  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Bouldin, Michael  
Calawa, Leon Jr  
Christensen, D L Chris  
Desrosiers, William  
Elliott, Larry  
Flora, Kathleen  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
McHugh, Claire  
Milligan, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Tate, Joan  
Wheeler, Robert

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Cardin, Lori  
Christiansen, Lars  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Ford, Nancy  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
L'Heureux, Robert  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Reeves, Sandra  
Seibel, Christopher  
Thompson, Rob  
White, Donald

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Carlson, Donald  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Fields, Dennis  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Claudette  
LaFlamme, Paul  
Martel, Andre  
Mercer, Robert  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
L'Heureux, Stephen  
Owen, Derek  
Whalley, Michael

Brewster, Richard  
Hess, David  
Langer, Ray  
Poulin, David  
Winter, Steven

Colcord, J D  
Hutchinson, John  
Leber, William  
Soltani, Tony

Cummings, Raymond  
Kennedy, Richard  
MacKay, James  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Power, Lucille  
Quandt, Matthew  
Robertson, Carl  
Sloan, Stephen  
Trueman, Raymond  
Whittier, John

Belanger, Ronald  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Priestley, Anne  
Rabideau, Marie  
Ruffner, Walter  
Splaine, James  
Varrell, Thomas  
Woekel, Ralph

Bishop, Franklin  
Case, Margaret  
Corbin, Corey  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
Major, Norman  
Moore, Benjamin  
Palermo, Diane  
Putnam, Ed II  
Rausch, James  
Saia, Pamela  
Stone, Joseph  
Welch, David  
Zolla, William

Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
McGuire, Robert  
Morse, Charles  
Pantelakos, Laura  
Quandt, Marshall  
Reardon, Neil  
Sapareto, Frank  
Stitch, C Donald  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Dunlap, Patricia
Harrington, Michael	Lachance, Douglas	Musler, George	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Ferland, Brenda	Odell, Bob	Phinzy, James	Rodeschin, Beverly
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**NAYS 148****BELKNAP**

Johnson, William	Pilliod, James	Salatiello, Thomas	Wood, Jane
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**CARROLL**

Torresen, Gary

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Dexter, Judson	Espiefs, Peter	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Russell, Ronald	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Stohl, Eric		

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Williams, Burton	

**HILLSBOROUGH**

Andosca, Mary	Bellavance, Paul	Bergin, Peter	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dokmo, Cynthia	Duval, Jeffrey
Dwyer, Paul	Eaton, Richard	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
McDonough-Wallace, Alice	Melcher, Harold	Movesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara
Spieß, Paul	Sweeney, Cynthia	White, John	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Daneault, Gabriel
Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Perkins, Randy	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Gleason, John	Kane, Cecelia	Langone, John	Norelli, Terie
O'Keefe, Patricia	Pitts, Jacqueline	Shultz, Elizabeth	Weatherspoon, Jacquelyne

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne

Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Spang, Judith

Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
Franklin, Peter  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Robb, Amy

Cloutier, John  
Harris, Sandra

Flint, Gordon Sr  
Jones, Constance

and the majority report was adopted.

### (Rep. Jeb Bradley in the Chair)

**HB 50-FN-A-L**, relative to sources of funding an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David J. Alukonis for the Majority of Ways and Means: HB 50, as amended, addresses our anticipated budget deficit with an appropriate funding source by recognizing that the forecast deficit in our education and general funded obligations is \$100 million per year. The bill establishes a permanent and durable funding solution for the state's general and education fund obligations by balancing the budget without implementing a new broad-based tax. It does not enact any radical and risky new taxes that are difficult or nearly impossible to predict. Rather, this proposal works largely within our current tax structure, which is easy to forecast. In short, the bill raises approximately \$228 million for the 2002-2003 biennium (\$121 million in FY '02 and \$107 million in FY '03). This revenue is generated by three sources. The first, and largest (\$80 million in FY '02 and \$65 million in FY '03), adjusts our current business taxes by eliminating the credit that businesses can take by applying their Business Enterprise Taxes (BET) paid as a credit against their Business Profits Tax (BPT) obligations. Of the more than 60,000 business tax filers in New Hampshire, this business tax adjustment affects less than 2000 of the large multi-national and multi-state businesses that operate in New Hampshire. The second source of revenues involves adjustments to the credits available to insurance companies that sell policies in New Hampshire. Generating \$16 million in FY '02 and \$17 in FY '03, this adjustment eliminates the credit that an insurer can take by applying its BET payments against its insurance premium tax liability. Additionally, the adjustment calls for the elimination of the credit that insurers take by applying its insurance premium tax payments against its business profits tax liability. The third source of funding generated by this bill is the re-enactment of the Nuclear Station Property Tax. Repealed in 1999, during the early 1990's this tax generated \$22.4 million. At that time, the constitutionality of the nuclear tax was challenged and the federal court held that the provision, which allowed for a BPT credit was in violation of federal law. The current re-enactment does not allow for a BPT credit and the constitutionality of this tax is not in doubt. Only 17% of the State's nuclear property is owned by New Hampshire companies and approximately 36 % of the power generated by the nuclear property is contracted to the New Hampshire power grid. The state will receive \$25 million in revenue and only \$8.25 million of that amount could be incorporated into New Hampshire's rate base. It has been estimated that if this additional cost were directly passed to the consumer, it would amount to an increase of approximately one tenth of one cent per kilowatt-hour. In addition to funding the anticipated deficit, HB 50 also funds \$50 million in property tax relief. A significant property tax hardship relief program is included in the bill and is funded with \$14 million in each year of the biennium. This hardship relief program would allow for relief of up to 100% of the statewide property tax, which would otherwise be paid on a home with an equalized, assessed value of up to \$150,000. Unlike other plans, this hardship relief program takes effect immediately, in 2002, and is not delayed. Additionally, unlike the current property tax hardship program, this proposal will allow families throughout the state, in donor and receiver towns alike, to seek relief if they meet the eligibility requirements. Additional property tax relief is generated with the dedication of \$22 million, which is devoted to reducing the statewide property tax rate in all the communities throughout the state. As amended, HB 50 is a responsible, reliable, and sustainable plan to balance our budget with the amount of dollars needed, not three or four times more than we need. It minimizes risk by working within the tax structure, which we already have, and does not endanger

our economy with a radical restructuring of our tax system. Unlike other plans, this one can be implemented swiftly and will not call for the establishment of a significant increase in the bureaucracy. Vote 13-7.

Rep. Christine M. Konyas for the Minority of Ways and Means: The minority of the committee believes that HB 50 is fatally flawed. We received testimony that at least two and possibly three of the sections of this bill are unconstitutional and will be challenged in court. HB 50 repeals the Business Enterprise Tax credit against Business Profit Tax, thus creating a double tax on some businesses, and effectively making New Hampshire's business taxes the highest in the nation. Not only will this have a negative impact on economic growth, but it will result in increased costs being passed on to consumers in areas such as bank loans, insurance rates, and electricity. The minority believes that HB 50 was hastily crafted and fails to provide an equitable, durable and constitutional source of school funding.

#### Amendment (0778h)

Amend the bill by replacing all after the enacting clause with the following:

1 Education Property Tax Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$6.60~~] **\$6.30** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 ~~and~~, RSA 83 -F, **and RSA 83-G.**

2 New Chapter; Tax on Nuclear Station Property. Amend RSA by inserting after chapter 83-F the following new chapter:

#### CHAPTER 83-G

##### TAX ON NUCLEAR STATION PROPERTY

83-G:1 Declaration of Purpose and Findings. The general court finds:

I. Nuclear station property is the only property in the state that generates electricity from the fission of atoms.

II. Creating electricity from the fission of atoms imposes unique responsibilities on the state.

III. A nuclear station creates special and unique public safety requirements and burdens on the state.

IV. A nuclear station has a unique and long lasting impact on the environment which creates burdens on the state.

V. Accordingly, in the exercise of authority under part II, article 6 of the constitution of New Hampshire, the general court concludes that nuclear station property constitutes a distinct class of property that is appropriately subject to taxation as such by the state, to help defray the public charges of government, as provided in this chapter.

83-G:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Department" means the department of revenue administration.

III. "Taxable period" means the period beginning April 1, and ending March 31 of the following year.

IV. "Nuclear state property" means the land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

83-G:3 Tax Imposed. For taxable periods beginning April 1, 2001, a tax is imposed upon the value of nuclear station property at the rate of 3.4 percent of valuation, assessed annually April 1, 2001 and every year thereafter, and paid in accordance with this chapter.

83-G:4 Determination Value. On or before December 1 of the tax year, the commissioner shall determine the value of nuclear station property for the purposes of this chapter by appraising such property at its full and true value. Notice of such determination shall be given to the persons liable for the tax within 15 days of the determination.

83-G:5 Persons Liable. The tax imposed by this chapter shall be assessed upon each utility owning or possessing nuclear station property. If an owner of such property has filed an election pursuant to RSA 83-G:6, II, the tax imposed by this chapter shall be assessed upon each person with an ownership interest in such property, in the proportion that such person's ownership interest bears to the entirety of the ownership in the property.



**83-G:6 Returns and Declarations.**

I. On or before January 15 each year, each person shall file with the commissioner of revenue administration, on a form prescribed by the commissioner, a return based on the valuation for April 1 of the prior year. The return shall be accompanied by the payment of such amount as has not been prepaid in accordance with paragraph III of this section. If the return shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, a credit against a subsequent payment or payments due, to the extent of the overpayment, shall be allowed.

II. On or before July 15, 2001 for taxable periods ending on or before March 30, 2002 and on or before April 15 of each year ending thereafter, a person with an ownership interest in the utility property, may elect to have the tax assessed in the proportion that such person's ownership interest bears to the entirety of the ownership in the property. If such an election is made, on or before April 15 of each year, each utility property owner liable to pay the tax imposed by this chapter shall file with the department, on a form prescribed by the commissioner, a statement setting forth the amount of such person's ownership interest as of April 1. The statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

III. For taxable periods ending before April 1, 2002, each person liable to pay the tax shall, in addition, file a declaration on or before July 15, 2001 of the estimated tax to be assessed as of April 1 in the current taxable period, based on the equalized value of nuclear station property determined by the commissioner in the most current equalization report, and accompanied by payment of 1/3 of the estimated tax due. Additional payments of 1/3 of the estimated tax shall be made on September 15, 2001 and December 15, 2001.

IV. For taxable periods ending after March 31, 2002, at the time the statement required by paragraph II is filed, each person liable for the tax shall, in addition, file a declaration of the estimated tax to be assessed as of April 1 in the current taxable period, based on the tax assessed for the preceding taxable year, accompanied by payment of 1/4 of the estimated tax due. Additional payments of 1/4 of the estimated tax shall be made on June 15, September 15, and December 15.

V. As of June 1 of each year the person liable for the tax or the utility shall file a list of changes made to the utility property since the prior April 1 of the preceding year. This statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

VI. Taxes and estimated taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J.

**83-G:7 Records.**

I. Every person liable for tax under RSA 83-G:5 shall:

(a) Keep such records as may be necessary to determine the amount of his or her liability under this chapter.

(b) Preserve such records for the period of at least 3 years or until any litigation or prosecution under this chapter is finally determined.

(c) Make such records available for inspection by the commissioner of revenue administration or his authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates any of the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

**83-G:8 Administration.**

I. The commissioner shall collect the taxes, interest, additions to tax and penalties imposed under this chapter. The commissioner shall determine the expense of administration of this chapter and shall certify and pay over to the state treasurer the amount of remaining balance of the funds collected under this chapter after the expenses of administration have been deducted.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the tax imposed under RSA 83-G:3; and

(b) The recovery of any tax, interest on tax, or penalties imposed by RSA 83-G.

III. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or the penalties imposed by this chapter.

IV. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall

also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw his or her warrant for the purchase price out of any money in the treasury not otherwise appropriated.

83-G:9 Appeals. Taxpayers aggrieved by the determination by the commissioner of the value of nuclear station property pursuant to RSA 83-F:4 may appeal such valuation within 30 days of notification of such determination to the board of tax and land appeals or the superior court of the county in which the taxpayer resides or has a place of business. Appeals other than appeals of valuation shall be made according to the procedure and subject to the time limits provided for other taxes administered by the department under RSA 21-J.

83-G:10 Exemption from State Education Property Tax. Persons and property subject to taxation under this chapter shall not be subject to tax under RSA 76:3; provided, however, that nothing in this chapter shall be construed to exempt such persons or property from local school, municipal district, or county taxation under RSA 76.

3 Utility Property Tax; Definition of Utility Property. Amend RSA 83-F:1, V to read as follows:

V. "Utility property" means all real estate, buildings and structures, machinery, dynamos, apparatus, poles, wires, fixtures of all kinds and descriptions, and pipe lines located within New Hampshire employed in the generation, production, supply, distribution, transmission, or transportation of electric power or natural gas, crude petroleum and refined petroleum products or combinations thereof, water, or sewage subject to tax under RSA 72:6, 72:7 and 72:8, but not exempt under RSA 72:23; provided that no electric power fixtures which would otherwise be taxed under this chapter shall be taxed under this chapter if they are employed solely as an emergency source of electric power. "Utility property" shall not include:

(a) Water and air pollution control facilities exempt from local property taxation under RSA 72:12-a;

(b) Water and sewer companies exempt from regulation as public utilities by the public utilities commission under RSA 362:4; ~~and~~

(c) *Nuclear station property subject to tax under RSA 83-G; and*

(d) Any other property which is not subject to local property taxation.

4 New Subdivision; Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198 by inserting after section 55 the following new subdivision:

Low and Moderate Income Homeowners Property Tax Relief

198:56 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph, the term "owned" includes:

(a) A vendee in possession under a land contract;

(b) One or more joint tenants or tenants in common; or

(c) A person who has equitable title, or the beneficial interest for life in the homestead.

III. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any member of the claimant's household who resides in the homestead for which a claim is made. "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

IV. "Tax relief" means the low and moderate income homeowners property tax relief provided in this subdivision.

V. "New Hampshire household" means any person filing a federal income tax return as head of household or 2 or more adults who jointly share the benefit of the homestead. "New Hampshire household" shall not include those adults who share the homestead under a landlord-tenant relationship.

VI. "Dependent" means a person residing in a homestead who is claimed as a dependent for federal income tax purposes.

## 198:57 Low and Moderate Income Homeowners Property Tax Relief

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted tax relief following the effective date of this act.

II. Residents shall apply to the department of revenue administration for such tax relief.

III. An eligible tax relief claimant is a person who:

(a) Owns a homestead or interest in a homestead subject to the education property tax;

(b) Resided in such homestead on April 1 of the year for which the claim is made, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile; and

(c) Realizes total household income of:

(1) \$20,000 or less if a single person;

(2) \$40,000 or less if a head of a New Hampshire household with a dependent or dependents, or if a married person.

IV. All or a portion of an eligible tax relief claimant's education property taxes, RSA 76:3, shall be rebated as follows:

(a) Multiply the total local assessed value of the claimant's property by the percentage of such property that qualifies as the claimant's homestead;

(b) Multiply the product determined in subparagraph (a) by the current education property tax rate;

(c) Multiply \$150,000 by the current education property tax rate;

(d) Multiply either the product of the calculation in subparagraph (b) or (c), whichever is less, by the following percentage as applicable to determine the amount of tax relief available to the claimant:

(1) If a single person and total household income is:

(A) less than \$12,500, 100 percent;

(B) \$12,500 but less than \$15,000, 85 percent;

(C) \$15,000 but less than \$17,500, 65 percent; or

(D) \$17,500 but less than or equal to \$20,000, 50 percent.

(2) If a head of a New Hampshire household or a married person and total household income is:

(A) less than \$25,000, 100 percent;

(B) \$25,000 but less than \$30,000, 85 percent;

(C) \$30,000 but less than \$35,000, 65 percent; or

(D) \$35,000 but less than or equal to \$40,000, 50 percent.

(e) The amount determined by subparagraph (d) is the allowable tax relief in any year.

V. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, tax relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

VI. Claims for tax relief shall be filed with the department of revenue administration between May 1 and June 30 following the due date of the education property taxes.

VII. Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the corresponding tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the immediately prior tax period, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

VIII. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

## 198:58 Rulemaking; Forms; Notice.

I. The commissioner shall adopt rules, under RSA 541-A, relative to the administration of excess tax payments and the tax relief provisions of this subdivision.

II. The commissioner shall approve and provide forms relative to the administration of this subdivision.



### III. Claim forms shall include the following:

- (a) Instructions on completing and filing the form;
- (b) Sections for information concerning the claimant, the claimant's household, the property for which tax relief is sought, and such other information as is reasonably necessary to determine the accuracy of the claim;
- (c) Instructions on appeal procedure and time limits relative to such appeals; and
- (d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

### IV. The commissioner shall publicize notice of the tax relief provisions in a suitable manner. 198:59 Penalties; Assessment of Erroneous Claims.

I. Any person who files a claim for tax relief under this subdivision with fraudulent intent and any person who assisted in the preparation or filing of the claim or supplied information upon which the claim was prepared shall be guilty of a misdemeanor.

II. The commissioner may assess and collect the amount of any sums granted for property tax relief relative to a fraudulent or erroneously paid claim for tax relief including interest provided under RSA 21-J:28 and an additional penalty of 25 percent for the erroneous amount of such claim or an additional penalty of the greater of 25 percent or \$1,000 for a fraudulent claim.

### 198:60 Appeals.

I. Whenever the commissioner refuses to grant a claimant a tax relief claim, the claimant may appeal in writing within 30 days of notice of such refusal to the board of tax and land appeals.

II. When a taxpayer appeals the commissioner's refusal of a claim to the board of tax and land appeals, the board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the board finds the commissioner's action to be arbitrary or unreasonable.

198:61 Refund of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

5 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax is 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

6 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

I. Section 5 of this act shall take effect July 1, ~~2001~~ **2003**.

7 Special Transition Rule; Credit for Utility Property Tax Payments. As of July 1, 2001 any utility property tax estimated payments made to the state in accordance with RSA 83-F:5, IV by persons exempted from such tax by section 3 of this act shall be credited toward the amount due from such persons, if any, under the provisions of RSA 83-G:6, III as enacted in section 2 of this act.

### 8 Repeal. The following are repealed:

- I. RSA 77-A:5, III, relative to the insurance premium tax credit against the business profits tax.
- II. RSA 77-A:5, X, relative to the business enterprise tax credit against the business profits tax.
- III. RSA 77-E:13, relative to application for the business enterprise tax credit against the business profits tax.
- IV. RSA 198:50 through 198:55, relative to education property tax hardship relief.
- V. 1999, 338:22, II, relative to the repeal of education property tax hardship relief.
- VI. RSA 400-A:32, V, relative to the insurance premium tax credit against the business profits tax.
- VII. RSA 400-A:34-a, relative to the insurance tax credit against the business enterprise tax and the business profits tax.

### 9 Effective Date.

I. Section 1 of this act shall take effect upon its passage, and shall apply to property taxes due for the tax year beginning April 1, 2002.

II. Sections 2-7 and IV and V of section 8 of this act shall take effect July 1, 2001.

III. Paragraphs I, II, III, VII and VIII of section 8 shall take effect July 1, 2001 and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2001. In the case



of any business organization or enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 2001, the taxable period shall be deemed to have ended on June 30, 2001, for the purposes of this act.

### AMENDED ANALYSIS

This bill:

- I. Reduces the rate of the education property tax.
- II. Establishes a nuclear station property tax.
- III. Establishes a low and moderate income homeowners property tax relief program.
- IV. Extends the temporary rate of the communications services tax.
- V. Repeals certain business tax credits.

Reps. Furman and Eaton spoke in favor.

Reps. Kacavas, Maxfield, Spiess and Konys spoke against.

Reps. Jacobson and Bowles spoke against and yielded to questions.

Reps. Alukonis and Hess spoke in favor and yielded to questions.

Rep. Whalley requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

### YEAS 188 NAYS 193

#### YEAS 188

##### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Rice, Thomas Jr

Boyce, Laurie  
Holbrook, Robert  
Russell, David

Czech, Stanley  
Lawton, David  
Thomas, John

Dewhirst, Glenn  
Nedeau, Stephen  
Wendelboe, Fran

##### CARROLL

Babson, David Jr  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Stevens, Stanley

Lyman, L Randy  
Sullivan, P Judith

##### CHESHIRE

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

##### COOS

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

##### GRAFTON

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Scanlan, David

##### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Emerton, Lawrence Sr  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
LaRose, Richard

Alukonis, David  
Balcom, John  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Eaton, Richard  
Fletcher, Richard  
Graham, John  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Elliott, Larry  
Furman, Christine  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire

McRae, Karen  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob  
White, Donald

Mercer, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

Pappas, Marc  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Hess, David  
Langer, Ray  
Swindlehurst, John

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Whalley, Michael

Dunne, Christopher  
Kennedy, Richard  
MacKay, James  
Winter, Steven

Fraser, Leo Jr  
L'Heureux, Stephen  
Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil  
Varrell, Thomas

Belanger, Ronald  
Carson, Sharon  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Power, Lucille  
Quandt, Matthew  
Sapareto, Frank  
Welch, David

Bishop, Franklin  
Chalbeck, Kevin  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Kelley, Jane  
Morse, Charles  
Priestley, Anne  
Rabideau, Marie  
Stone, Joseph  
Weyler, Kenneth

Bridle, Russell  
Clark, Vivian  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Rausch, James  
Stritch, C Donald  
Zolla, William

### STRAFFORD

Albert, Russell  
Reid, Christopher

Bickford, David  
Tsiros, William

Cossette, Larry  
Twombly, James

Lachance, Douglas  
Woods, Phyllis

### SULLIVAN

Odell, Bob

Rodeschin, Beverly

### NAYS 193

### BELKNAP

Johnson, William  
Salatiello, Thomas

Millham, Alida  
Wood, Jane

Pilliod, James

Rosen, Ralph

### CARROLL

Philbrick, Donald

Quimby, Lee

Torressen, Gary

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

DePecol, Benjamin  
Meador, David  
Russell, Ronald

### COOS

Bradley, Paula  
Rodrigue, Robert

Davis, Perley

Landers, Dana

Mears, Edgar

### GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Ward, Brien

Ham, Bonnie  
Pawlek, Marion

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Cardin, Lori	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Dyer, Merton	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Milligan, Robert	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Poulin, David	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Downing, Michael	Gleason, John	Johnson, Robert
Kane, Cecelia	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	McGuire, Robert	Micklon, Stephanie	Moore, Benjamin
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Ruffner, Walter	Saia, Pamela	Shutis, Elizabeth
Sloan, Stephen	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John			

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinzy, James	Robb, Amy

and the majority amendment failed.

Rep. Harrington declared a conflict of interest and did not participate.

**LAI D ON THE TABLE**

Rep. Herman moved that **HB 50-FN-A-L**, relative to sources of funding an adequate education, be laid on the table.

Rep. Buckley requested a roll call; sufficiently seconded.

**YEAS 193 NAYS 190****YEAS 193****BELKNAP**

Bartlett, Gordon  
Lawton, David  
Russell, David

Boyce, Laurie  
Nedeau, Stephen  
Thomas, John

Czech, Stanley  
Rice, Thomas Jr  
Wendelboe, Fran

Holbrook, Robert  
Rosen, Ralph

**CARROLL**

Babson, David Jr  
Mock, Henry  
Torressen, Gary

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Stevens, Stanley

Lyman, L Randy  
Sullivan, P Judith

**CHESHIRE**

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

**COOS**

Gallus, John  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

Alukonis, David  
Balcom, John  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Elliott, Larry  
Furman, Christine  
Graham, John  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob  
White, Donald

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Emerton, Lawrence Sr  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Fields, Dennis  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Hess, David  
Langer, Ray  
Swindlehurst, John

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Whalley, Michael

Dunne, Christopher  
Kennedy, Richard  
MacKay, James  
Winter, Steven

Fraser, Leo Jr  
L'Heureux, Stephen  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Dowling, Patricia  
Francoeur, Sheila

Belanger, Ronald  
Carson, Sharon  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey

Bishop, Franklin  
Chalbeck, Kevin  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl

Bridle, Russell  
Clark, Vivian  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald



Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Rabideau, Marie  
Sapareto, Frank  
Varrell, Thomas

Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Rausch, James  
Sloan, Stephen  
Welch, David

Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

Hill, Jonathan  
Itse, Daniel  
Kelley, William  
Moore, Benjamin  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Zolla, William

## STRAFFORD

Albert, Russell  
Lachance, Douglas  
Woods, Phyllis

Bickford, David  
Reid, Christopher

Cossette, Larry  
Tsiros, William

Harrington, Michael  
Twombly, James

## SULLIVAN

Odell, Bob

Rodeschin, Beverly

## NAYS 190

## BELKNAP

Dewhirst, Glenn  
Pilliod, James

Flanders, Donald  
Salatiello, Thomas

Johnson, William  
Wood, Jane

Millham, Alida

## CARROLL

Philbrick, Donald

Quimby, Lee

## CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

DePecol, Benjamin  
Meador, David  
Russell, Ronald

## COOS

Bradley, Paula  
Rodrigue, Robert

Davis, Perley  
Stohl, Eric

Landers, Dana

Mears, Edgar

## GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Williams, Burton

Ham, Bonnie  
Pawlek, Marion

## HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond  
Cote, David  
Desrosiers, William  
Duval, Jeffrey  
Ford, Nancy  
Goley, Jeffrey  
Jean, Claudette  
Konys, Christine  
Leishman, Peter  
Melcher, Harold  
Palangas, Eric  
Seibel, Christopher  
White, John

Baroody, Benjamin  
Cardin, Lori  
Cote, Peter  
Dokmo, Cynthia  
Dwyer, Paul  
Foster, Linda  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
Messier, Irene  
Panagopoulos, Nicholas  
Shaw, Barbara  
Williams, Carol

Bellavance, Paul  
Clayton, William  
Craig, James  
Drabinowicz, A Theresa  
Dyer, Merton  
Gargas, Carolyn  
Haley, Robert  
Kacavas, John  
Leach, Edward  
Martin, Mary Ellen  
Movsesian, Lori  
Peterson, Andrew  
Spiess, Paul

Bergin, Peter  
Clemons, Jane  
Daigle, Robert  
Drisko, Richard  
Eaton, Richard  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
McDonough-Wallace, Alice  
O'Connell, Timothy  
Schulze, Joan  
Sweeney, Cynthia

## MERRIMACK

Bouchard, Candace  
Crosby, Toni

Brewster, Richard  
Daneault, Gabriel

Clarke, Claire  
Davis, Frank

Colcord, J D  
Feuerstein, Martin

Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Poulin, David  
Seldin, Gloria

French, Barbara  
Jacobson, Alf  
Owen, Derek  
Reardon, Tara  
Wallner, Mary Jane

Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rodd, Beth  
Whittemore, James

Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Rush, Deanna  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Coes, Betsy  
Downing, Michael  
Kelley, Jane  
McGuire, Robert  
Pantelakos, Laura  
Shultis, Elizabeth  
Whittier, John

Bowles, Raimond  
Cooney, Richard  
Gleason, John  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Splaine, James

Case, Margaret  
Cox, Russell  
Johnson, Robert  
Langley, Jane  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

Clark, Martha Fuller  
Dearborn, Bruce  
Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Saia, Pamela  
Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

Brennan, William  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Callaghan, Frank  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

DeChane, Marlene  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Spang, Judith

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

and **HB 50-FN-A-L** was laid upon the table.

### (Speaker Chandler in the Chair)

**HB 170-FN-A**, repealing the legacies and succession tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. David W. Hess for the Majority of Ways and Means: This bill, as amended by the committee, fully retains the complete repeal of the legacies and successions tax. To make up the revenue lost by that repeal, the amendment would impose a new titled motor vehicle transfer tax at a rate of 1% of the net purchase price of the vehicle. The tax will be imposed only on motor vehicles registered in New Hampshire, so it will have no impact on cross-border sales. As a tax on the "net" purchase price, no tax is put on the value of any trade-in. Finally, the tax is to be collected at the municipal level, which is entitled to charge a fee of up to \$2.50 for that service, except that the seller of the vehicle may, if it elects to do so, collect the tax instead. Vote 10-8.

Rep. Paul A. McGuirk for the Minority of Ways and Means: The repeal of the legacies and succession tax has been publicly acknowledged as a top priority for this legislative session. To accomplish this goal, HB 170 was introduced to replace the lost revenue of the legacy and succession repeal. The sponsor of HB 170 introduced HB 558, which proposed six revenue sources to achieve revenue neutrality. The majority of the House Ways & Means Committee elected instead to amend HB 170 with a motor vehicle sales tax. Should we, as legislators, impose an unfair, narrow-based, selective tax to replace an unfair, regressive, discriminatory tax? Not all motorized vehicles sold in the state would be taxed. Vehicles purchased by individuals if used for business purposes, or by business enterprises will be able to deduct any tax paid as an expense on their federal tax returns. If purchased for personal use, one will not have that desirable option. The amendment provides for an option to pay the tax at the vendor's place of business if they elect to collect the tax imposed. Vendors who refuse to act as tax collectors for the state leave the purchaser with the obligation to pay the tax to the municipal agent, you will be charged a fee of \$2.50. Fair taxation and public policy are desirable goals, but the amendment to HB 170 fails the grade.

**Majority Amendment (0894h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a titled motor vehicle transfer tax and repealing the legacies and successions tax.

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Titled Motor Vehicle Transfer Tax. Amend RSA by inserting after chapter 78-C the following new chapter:

**CHAPTER 78-D****TITLED MOTOR VEHICLE TRANSFER TAX**

78-D:1 Definitions. In this chapter:

I. "Business activity" means a group of actions performed by a person or persons for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or profit from such group of actions. The actions ordinarily include, but are not limited to, the receipt of money, property, or other items of value and the incurring or payment of expenses.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Electronic data submission" means the use of either the telephone or computer to transmit information.

V. "In this state" or "within this state" means within the legal jurisdictional boundaries of New Hampshire and includes all territory within these limits owned by or ceded to the United States.

VI. "Lease," "leasing," or "rental" means any arrangement whereby, for a consideration, a motor vehicle is possessed or employed for or by a person other than the owner of the vehicle.

VII. "Maintaining a place of business in this state" means the following:

(a) Having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, service enterprise, or other place of business, or any agent of general or restricted authority irrespective of whether the place of business or agent is located here permanently or temporarily or whether the person or subsidiary maintaining such place of business or agent is authorized to do business within this state.

(b) The engaging in any business activity within this state by any person, directly or by a subsidiary, in connection with the sale, lease, or delivery of motor vehicles or the performance of services thereon for use or storage including, but not limited to, having, maintaining or using any office, distribution house, sales house, warehouse, or other place of business, any stock of goods or any solicitor, salesperson, agent, or representative under its authority, at its direction or with its permission, regardless of whether the person or subsidiary is authorized to do business in this state.

VIII. "Motor vehicle" means any self-propelled vehicle not operated exclusively on stationary tracks for which a certificate of title is required by RSA 261:1; provided, however, the following shall not be included in the definition of "motor vehicle":

(a) Exempt vehicles as provided in RSA 261:3 I, (a) through (j); and

(b) Construction equipment as defined in RSA 259:42.

IX. "Municipal registration agent" means any person appointed to issue, renew, or transfer motor vehicle registrations pursuant to RSA 261:74-a.

X. "Net purchase price" means the purchase price as defined in this section less any deductions allowed by RSA 78-D:4.

XI. "Person" means an individual, partnership, trust or association, with or without transferable shares, joint stock company, corporation, limited liability company, society, club, organization, institution, estate, receiver, trustee, assignee, or referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals acting as a unit.

XII. "Purchase or purchasing, sale or selling" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of a motor vehicle for a consideration, including leases and transactions whereby the possession of the property is transferred but the seller retains the title as security for the payment of the purchase price.

XIII.(a) "Purchase price" means the gross consideration, exclusive of the tax hereby imposed, which is to be paid for the motor vehicle, expressed in terms of United States currency as of the time of the sale, and shall include the cash consideration, if any, plus the value of any services or property given or to be given, or both, in exchange for the motor vehicle.



(b) In the case of a lease, the purchase price shall mean an amount computed by subtracting the "lease end value" of the motor vehicle from the "original acquisition cost" of the motor vehicle. For purposes of this subparagraph, the "original acquisition cost" of a motor vehicle means the gross consideration which the lessee would pay for the motor vehicle if the lessee purchased the motor vehicle on the date of execution of the lease contract, as stated in the lease contract or worksheet, and the "lease end value" means the value of the motor vehicle at the end of the lease period, as stated in the lease contract or worksheet or as determined by the commissioner pursuant to RSA 78-D:10, III. Purchase price shall also include the value of anything paid or delivered, or promised to be paid or delivered by a lessee, whether it be money or otherwise, to any person other than the vendor or lessor by reason of the maintenance, insurance, or repair of the leased motor vehicle.

XIV. "Tax" means the titled motor vehicle transfer tax imposed by this chapter.

XV. "Taxpayer" means any person required to make returns or pay the tax imposed by this chapter.

XVI. "Vendor" means any person maintaining a place of business in this state, engaged in the business activity of selling or leasing motor vehicles, the sale, lease or use of which is subject to the tax imposed by this chapter and who elects to collect the tax imposed under this chapter.

#### 78-D:2 Imposition of Tax.

I. A tax is imposed upon each separate sale or lease of a motor vehicle within this state at the rate of one percent of the net purchase price, which tax shall be collected by the municipal registration agent or the vendor from the purchaser, and shall be paid over to the state as provided in this chapter.

II. A tax is imposed upon the use within this state of a motor vehicle, purchased on or after January 1, 2002, at the rate of one percent of the net purchase price, which tax shall be paid to the state by the person who makes such use as provided in this chapter, except that such tax shall not be paid to the state where the tax imposed by paragraph I has been paid by such person or such person has paid the tax imposed by this paragraph to a municipal registration agent or to the vendor with respect to such use.

III. A tax is imposed at the rate of one percent on any amount charged at the end of a motor vehicle lease contract executed on or after January 1, 2002 resulting from excess wear and tear or excess mileage.

78-D:3 Exemptions. The following motor vehicles shall be exempt from the tax imposed by this chapter :

I. Motor vehicles the rental of which is subject to tax under RSA 78-A; provided, however, that such exemption shall not apply to any vehicle not actually rented for at least 30 days in any single year or which is no longer used for such rentals.

II. Motor vehicles owned or registered, or motor vehicles rented, by any state or province or any political subdivision thereof.

III. Motor vehicles, title to which on January 1, 2002 is in the owner seeking registration thereof.

IV. Motor vehicles transferred to the spouse, mother, father, child, grandparent, grandchild, aunt, uncle, niece, or nephew of the donor, or to a trust established for the benefit of any such persons or for the benefit of the donor, or subsequently transferred among such persons provided such motor vehicle has been registered or titled in this state in the name of the original donor.

V. Motor vehicles owned by an individual purchased and used outside this state and brought into this state in connection with the establishment by such individual of an initial residence in this state, provided such motor vehicle was purchased by the individual more than 2 months prior to the date it was first brought into this state.

78-D:4 Deductions. There may be deducted from the purchase price for any motor vehicle the sale, lease, or use of which is taxable under this chapter the amount allowed by the vendor of any trade-in of a taxable motor vehicle received upon the sale of another motor vehicle to the purchaser. When any such motor vehicle traded in is subsequently sold or leased, the tax provided for in this chapter shall apply.

78-D:5 Credits. A credit against the tax imposed by this chapter shall be granted with respect to a motor vehicle to be registered in this state on which tax has been paid to another state by reason of the imposition by such other state of a tax similar to the tax imposed by this chapter equal to the amount of such other state tax paid, provided however, that no such credit shall be granted unless such other state grants substantially similar tax relief by reason of the payment of tax under this chapter.



**78-D:6 Tax Form; Penalty.**

I. Every vendor selling or leasing a motor vehicle in this state shall at the time of selling or leasing said motor vehicle compute for the purchaser or lessee the tax imposed by RSA 78-D:2 and complete in its entirety the information required on the form prescribed and furnished by the commissioner. Vendors whose average monthly tax collections do not exceed \$100 may apply to the commissioner to remit taxes annually or on such other schedule as the commissioner may require. Approval of such requests shall be at the discretion of the commissioner.

II. Any vendor failing to fill out the tax form as required in paragraph I shall be subject to a penalty of \$500 or the commissioner may suspend the vendor's license as provided in RSA 78-D:19. Such suspension shall be for a reasonable time and shall not exceed 10 days for each offense and shall be made only after a finding that the failure of such vendor is willful and intentional and not the result of inadvertence.

III. Any person registering the transfer of a motor vehicle upon which tax is due under this chapter and for which no form has been provided by a vendor shall complete such form at the time of registration.

**78-D:7 Collection of Tax; Vendor Liability; Receipts Presumed Taxable.**

I. Every purchaser of a motor vehicle subject to a tax under RSA 78-D:2, I shall present the tax form together with the amount of tax due to the municipal registration agent at the time of first registering or transferring a registration to such motor vehicle as a condition precedent to registration thereof. Said agent shall remit the tax to the state as provided in RSA 78-D:11.

II. Every person subject to a use tax under RSA 78-D:2, II shall present the tax form with the amount of tax due to the municipal registration agent at the time of first registering or transferring a registration to such motor vehicle as a condition precedent to registration thereof. Said agent shall remit the tax to the state as provided in RSA 78-D:11.

III. Every vendor maintaining a place of business in this state and leasing motor vehicles the lease of which is subject to tax shall collect the tax from the lessee at the time of making the sale, and shall remit the tax to the state as provided in RSA 78-D:11 in the case of the first lease of a motor vehicle, and within 30 days after any extension of the lease or any subsequent lease of the motor vehicle. Every vendor leasing a motor vehicle shall collect the tax imposed by RSA 78-D:2, III from the lessee and remit it to the commissioner within 30 days after the end of the motor vehicle lease contract. Vendors whose average monthly tax collections do not exceed \$100 may apply to the commissioner to remit taxes annually or on such other schedule as the commissioner may require. Approval of such requests shall be at the discretion of the commissioner.

IV. Any vendor required under this chapter to collect tax from another person, who shall fail to collect the proper amount of such tax, shall be liable for the full amount of the tax which the vendor should have collected. Any tax required to be collected, and any tax received by a vendor, shall become a personal debt of the vendor until paid to the state. The vendor shall be relieved of further liability for such taxes in the event that the tax is paid directly to the state by the purchaser or other person.

V. It shall be presumed that all gross receipts of a vendor from the sale or lease of motor vehicles are from sales or leases subject to tax until the contrary is established. The burden of proving that a sale of or lease of motor vehicles by any vendor is not a taxable sale or lease shall be upon such vendor.

**78-D:8 Purchaser Liability for Tax; Prior Purchases Exempted.**

I. Except as provided in paragraph II, every purchaser shall be liable for the tax imposed by this chapter and such liability shall not be extinguished until the tax has been paid to the state, except that payment to a municipal registration agent or vendor required to collect the tax pursuant to RSA 78-D:7 is sufficient to relieve the purchaser from further liability for the tax.

II. Purchasers shall not be liable for municipal registration agents or vendors required to collect tax on any motor vehicle purchased or used in this state prior to January 1, 2002.

**78-D:9 Presumption of Taxability; Notice to Commissioner**

I. For the purposes of this chapter, the New Hampshire registration, transfer of registration, or issuance of a New Hampshire certificate of title of a motor vehicle shall be presumed to be a transfer upon which the tax applies except as provided in RSA 78-D:3.

II. Upon the return of the certificate of registration, as required by RSA 261, the director of the division of motor vehicles shall forthwith inform the commissioner of the date of transfer and the names and addresses of the former and new owners.

**78-D:10 Purchase Price, Investigation and Adjustment; Affiliated Interests.**

I. The commissioner may investigate and adjust the purchase price of any motor vehicle the transfer of which is subject to the provisions of this chapter. In instances where it appears to the commissioner that the purchase price reported does not represent the actual value of such consideration, the commissioner may adjust the purchase price of said motor vehicle at the average book value of vehicles of the same make, type, model and year of manufacture as designated by the manufacturer, as shown in the Official Used Car Guide, National Automobile Dealers Association (New England Edition) or any comparable publication, less the lease end value of any leased vehicle. The commissioner may compute and assess the tax due thereon in the manner provided for the assessment of taxes in this chapter.

II. The commissioner may investigate and adjust the value of any motor vehicle trade-in allowed or taken as a deduction to the purchase price of a motor vehicle in the same manner as provided in paragraph I.

III. The commissioner may investigate and adjust the lease end value of any motor vehicle transferred subject to the provisions of this chapter. In instances where it appears to the commissioner that the reported lease end value of a motor vehicle does not represent a commercially reasonable value, the commissioner shall, pursuant to uniform and equitable rules, establish a reasonable, commercial value for the end of the lease period. The commissioner may compute and assess the tax due thereon in the manner provided for the assessment of taxes in this chapter.

IV.(a) In determining the purchase price on the sale, lease or use of a motor vehicle where, because of affiliation of interests between the vendor and purchaser, or irrespective of any such affiliation, if for any other reason the purchase price declared by the vendor or taxpayer on the taxable sale or use of such vehicle is, in the opinion of the commissioner, not indicative of the true value of the vehicle or the fair price thereof, the commissioner shall, pursuant to uniform and equitable rules, determine the amount of constructive purchase price upon the basis of which the tax shall be computed and levied. Such rules shall provide for a constructive amount of purchase price for each such sale, lease or use which would naturally and fairly be charged in an arm's-length transaction in which the element of common interest between the vendor or purchaser is absent or if no common interest exists, any other element causing a distortion of the price or value is likewise absent.

(b) For the purpose of this paragraph, where a taxable sale or purchase at retail transaction occurs between a parent and a subsidiary, affiliate, or controlled corporation of such parent corporation, there shall be a rebuttable presumption that, because of such common interest, such transaction was not an arm's-length transaction.

**78-D:11 Tax Reports and Returns; Date Payment Due.**

I.(a) Every vendor shall, on or before the 20th day of the calendar month following the collection of taxes imposed by this chapter, file a report by electronic data submission of the sales and leases and taxes collected thereon for the preceding month to the department. This report shall be filed even though no tax may be due.

(b) If a vendor has been granted permission to make other than monthly filings, as provided in RSA 78-D:6, I the vendor shall make the report required in subparagraph I(a) in accordance with the schedule permitted by the commissioner, even though no tax may be due.

(c) On or before the 20th day of September, every vendor liable to collect and pay over the taxes imposed by this chapter shall make a return to the department reporting the results of the preceding 12-month period beginning July 1 and ending June 30. Such return shall recapitulate the reports filed as required by subparagraph I(a) or (b) and shall provide such other information as the commissioner shall require.

II. Taxes collected by every vendor or municipal registration agent shall be paid to the state on or before the 20th day of the calendar month following collection of the tax or the purchase or use of tangible personal property. The vendor shall remit the taxes due by electronic funds transfer to the department. The municipal registration agent shall remit taxes to the department at the times and in the manner required by the commissioner.

III. Notwithstanding the provisions of any other law, reports, returns, and remittances due under this chapter shall be considered timely only if received by the department on or before the 20th day of the calendar month in which they were due. If this due date falls on a Saturday, Sunday, or legal holiday, then the returns and remittances due under this chapter shall be filed no later than the next business day.

IV. The department shall notify the vendor of a successful electronic filing and remittance and provide the vendor with a confirmation number which shall serve as proof of filing and remittance.

V. All reports and returns shall contain an electronic authorization by the vendor or an authorized representative which shall be subject to the pains and penalties of perjury.

VI. Any vendor who ceases to engage in business activity in this state and is thereby not responsible for filing reports and returns under this chapter, shall file a final return with the department not more than one month after discontinuing such activity. This requirement shall apply notwithstanding any other provision of this chapter regarding the time within which to file a report or return.

VII. If the commissioner finds that the information required for the making of an accurate return cannot reasonably be compiled by a vendor within the period provided in this section, the commissioner may grant an extension of time for the filing of such return. Any such extension shall be granted for a period not to exceed 31 calendar days. The granting of such extension may be conditioned upon the payment by the vendor of an amount of money equal to the amount estimated by the commissioner to be due with the return when filed under extension. All such estimated payments shall be credited against the vendor's liabilities under this chapter. The vendor shall pay to the department the amount of tax imposed by this chapter at the time the return is due.

#### 78-D:12 Books, Records, Papers, and Other Documents.

I. Every vendor maintaining a place of business in this state or required to file or actually filing in this state shall keep books, records, papers, certificates, and other documents which are adequate to reflect the information required to be reported to the department by the filing of timely reports or returns or maintained for inspection by the department.

II. All books, records, and other papers and documents required to be kept by this chapter shall, at all times during business hours of the day, be subject to inspection by the department.

#### 78-D:13 Determination of Tax; Additional Returns.

I. If a return required by this chapter is not filed, or if a return when filed, is incorrect or insufficient, the amount of tax due shall be determined and assessed by the commissioner from any information available.

II. When the commissioner has reason to believe that a vendor has failed to file a report or return or to include any part of the taxable receipts of sales by such vendor in a filed report or return, the commissioner may require the vendor to file a return or a supplementary return showing such additional information as the commissioner prescribes. The making of such additional return does not relieve the vendor of any penalty for failure to make a correct original report or return, or relieve it from liability for interest imposed under RSA 21-J:28 or for any additional charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29.

#### 78-D:14 Administration; Rulemaking.

I. The commissioner shall collect the taxes imposed under this chapter, interest on tax, additions to tax, and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter for deposit in the general fund.

II. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) The form and content of the reports and returns required by this chapter.
- (b) The method of electronic authorization required by RSA 78-D:11.
- (c) Alternative filing procedures in the event there is an electronic equipment malfunction.
- (d) The administration of the tax.
- (e) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 78-D or RSA 21-J.

III.(a) The commissioner shall adopt emergency rules under RSA 541-A relative to:

- (1) The form and content of the reports and returns required by this chapter.
- (2) The method of electronic authorization required by RSA 78-D:11.
- (3) Alternative filing procedures in the event there is an electronic equipment malfunction.
- (4) The administration of the tax.
- (5) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 78-D or RSA 21-J.

(b) Such emergency rules shall be effective for 180 days. After 180 days the commissioner shall adopt rules pursuant to RSA 541-A.



**78-D:15 Surety Bonds.**

I. When the commissioner deems it necessary to protect the revenues due under this chapter, the commissioner may, after notice and hearing, require any vendor required to collect the tax imposed by this chapter to file with the commissioner a bond issued by a surety company authorized by the New Hampshire insurance department to do business in this state, in an amount fixed by the commissioner, to secure the payment of any tax, interest, or penalties due, or which may become due. The vendor shall file a bond within 10 days after the department has issued and mailed such notice. Surety bonds may be required in situations such as, but not limited to, failure to file reports or returns, failure to make payments with reports or returns at the time required by law, tender by a vendor of checks returned for insufficient funds, failure to pay interest and penalties assessed, vendors who are itinerant, transient, or temporary, and any other situation which, in the discretion of the commissioner, renders the collection of the tax in jeopardy.

II. The surety on such bond shall be discharged from the liability accruing on the bond after the expiration of 60 days from the date on which the surety shall have logged with the department a written request to be so discharged; but such request shall not discharge such surety from any liability already accrued or which shall accrue before the expiration of this 60-day period. The duration of surety bonds shall be for one year only, unless the requirement is canceled or revised by the commissioner before the expiration of the one-year period.

III. In lieu of a bond, cash in an amount prescribed by the commissioner may be deposited with the state treasurer who may, at any time, upon instructions from the commissioner and without notice to the depositor, apply the cash deposited to any tax or interest or penalties due. Cash deposited in lieu of a surety bond shall not earn interest.

IV. Failure to comply with the provisions of this section shall result in the suspension of the vendor's registration license, as provided in RSA 78-D:19.

**78-D:16 Motor Vehicle Registration.** No certificate of registration shall be issued by the director of the division of motor vehicles to the new owner until such new owner shall furnish evidence, on such forms as shall be prescribed by the commissioner and the director of the division of motor vehicles, that any tax due under the provisions of this chapter has been paid. If payment of any such tax due is made by check and said check is not duly paid, the director of the division of motor vehicles may, after hearing, revoke the certificate of registration. Such tax shall be considered as a first encumbrance against such vehicle and the vehicle may not be transferred without first payment in full of such tax and any interest additions or penalties which shall accrue thereon in accordance with this chapter or RSA 21-J.

**78-D:17 Proceedings to Recover Taxes.**

I. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax, or penalties imposed by this chapter.

II. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

**78-D:18 Vendor Licenses; Registration.**

I. On or before January 1, 2002, or in the case of vendors commencing business or opening new places of business after that date, within 3 days after the commencement or opening, every vendor required to collect any tax imposed by this chapter shall file with the commissioner a license application in a form prescribed by the commissioner. The commissioner shall issue, without charge, to each applicant a license of authority empowering the applicant to collect the tax. Each license shall state the place of business to which it is applicable. The license shall be prominently displayed in the place of business of the vendor. A vendor who has no regular place of doing business shall attach the certificate to the vendor cart, stand, truck, or other merchandising device, or carry it on the vendor's person. The certificate shall be nonassignable and nontransferable and shall be surrendered to the commissioner immediately upon the vendor ceasing to do business at the place named.



#### 78-D:19 Suspension or Revocation of Licenses; Appeal.

I. The commissioner may, after notice and hearing, suspend or revoke the license of any vendor required to collect the tax or may refuse to issue or renew any license for failure to comply with this chapter or with any rules adopted hereunder.

II. Any person required to collect the tax aggrieved by a suspension, revocation, or refusal may appeal therefrom, in the same manner as provided in RSA 21-J:28-b for appeal for redetermination or reconsideration of assessments, within 10 days after written notice of the suspension, revocation, or refusal has been mailed or delivered to such person.

III. If the appealing person required to collect the tax files a bond running to the state as provided in RSA 78-D:15, then the suspension or revocation shall be inoperative during the appeal.

#### 78-D:20 Refunds.

I. Claims for refund or credit may be made by a purchaser who has actually paid the tax or by a vendor required to collect the tax who has collected and paid over the tax to the department; provided, however, that the claim is timely made in accordance with RSA 21-J:28-a and RSA 21-J:29. No actual refund of moneys shall be made to a vendor until such person establishes to the satisfaction of the commissioner, under such rules as the commissioner may adopt, that such vendor has repaid to the purchaser the amount for which the application for refund is made or established that no refund is due the purchaser. The commissioner may, in lieu of any refund, allow credit on payments due from the claimant.

II. If the commissioner determines, on a claim for refund or otherwise, that a person has paid an amount of tax under this chapter which, as of the date of the determination, exceeds the amount of tax liability owing from the person to the state, with respect to the current and all preceding taxable periods, under any provision of this title, the commissioner shall forthwith refund the excess amount to the person together with interest as provided in RSA 21-J:28.

78-D:21 Liens. If any person required to pay or collect and transmit a tax under this chapter neglects or refuses to pay the same after demand, the amount, together with all penalties and interest provided for in this chapter and together with any costs that may accrue in addition thereto, shall be a lien in favor of the state of New Hampshire upon all property and rights to property, whether real or personal, belonging to such person. Such lien shall arise at the time demand is made by the commissioner and shall continue until the liability for such sum with interest and costs is satisfied or becomes unenforceable. No lien upon real estate for taxes imposed by this chapter is valid and binding against any person other than the taxpayer until notice of such lien, stating the name and address of the taxpayer and the amount of the tax due, shall have been filed and recorded in the registry of deeds in the grantor index in the county in which such real estate is located. Notwithstanding the provisions of any other law, the lien shall continue and shall be valid and binding until the liability for the sum, with interest and costs, is satisfied or becomes unenforceable.

#### 2 Municipal Registration Agents; Reference. Amend RSA 261:74-a to read as follows:

261:74-a Agents Appointed. With the approval of the governing body of a city or town and subject to the direction and approval of the commissioner, the director may appoint municipal officials as agents to issue, renew or transfer motor vehicle registrations *or to collect the tax imposed under RSA 78-D*. The director shall determine the optimum number of registration agents that the division can reasonably accommodate. The appointment of any municipal official as a registration agent for the purposes of this subdivision shall continue while the agent holds his office or employment with the municipality, except as provided in RSA 261:74-b and 261:74-f.

#### 3 Municipal Registration Agents; Reference. Amend RSA 261:74-d to read as follows:

261:74-d Additional Fees Charged by Agents. Each registration agent may charge an applicant not more than \$2.50 in addition to the fees otherwise required to issue, renew or transfer a motor vehicle registration. *Each registration agent may charge an additional fee of \$2.50 to collect the tax imposed under RSA 78-D.* [This fee] These fees shall be retained either by the municipality if the registration agent receiving the [fee] fees is on salary to the municipality, or by the agent himself if he is not on salary to the municipality but is paid on a fee basis.

#### 4 Municipal Registration Agents; Reference. Amend RSA 261:74-g, III to read as follows:

III. The collection, deposit and remittance of state funds pursuant to this subdivision *and pursuant to RSA 78-D*.

5 Legacies and Successions Tax; Exemption. Amend RSA 86 by inserting after section 6-b the following new section:

86:6-c Exemption. Notwithstanding RSA 86:6, I, all property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be exempt from tax imposed by this chapter, provided the death of such grantor or donor occurs on or after July 1, 2001.

6 Effective Date.

I. Sections 1-4 of this act shall take effect July 1, 2001 and shall apply to all motor vehicle transfers, whether by sale or lease, that occur on or after January 1, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a titled motor vehicle transfer tax. The bill also repeals the legacies and successions tax.

Reps. McGuirk and Dokmo spoke against.

Reps. Alukonis, Vivian Clark and Hess spoke in favor and yielded to questions.

Rep. McGuirk requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 131 NAYS 251

YEAS 131

BELKNAP

Boyce, Laurie	Czech, Stanley	Nedeau, Stephen	Russell, David
Thomas, John			

CARROLL

Dickinson, Howard	Lyman, L Randy	Mock, Henry	Patten, Betsey
Stevens, Stanley	Sullivan, P Judith	Torresen, Gary	

CHESHIRE

Dexter, Judson	Edwards, Dana	Fairbanks, Chandler	Hunt, John
Royce, H Charles	Smith, Edwin		

COOS

Horton, Lynn	Pratt, Leighton	Tholl, John Jr	Woodward, David
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GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Bruno, Pierre	Calawa, Leon Jr
Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr	Eaton, Richard
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Guinta, Frank
Herman, Keith	Hopper, Gary	Jean, Loren	Kurk, Neal
LaRose, Richard	Leach, Edward	Lefebvre, Roland	Lessard, Rudy
Martel, Andre	Mercer, Robert	Moran, Edward	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Sargent, Maxwell	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	White, Donald

**MERRIMACK**

Anderson, Eric	Colcord, J D	Dunne, Christopher	Hess, David
Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen	Leber, William
MacKay, James	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

**ROCKINGHAM**

Arndt, Janet	Bridle, Russell	Clark, Vivian	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Giordano, Ronald	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Letourneau, Robert
Major, Norman	McKinney, Betsy	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rabideau, Marie	Ruffner, Walter	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Zolla, William	

**STRAFFORD**

Albert, Russell	Cossette, Larry	Twombly, James	Woods, Phyllis
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**SULLIVAN**

Rodeschin, Beverly

**NAYS 251****BELKNAP**

Bartlett, Gordon	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Salatiello, Thomas	Wendelboe, Fran
Wood, Jane			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Philbrick, Donald	Quimby, Lee
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**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Emerson, Susan	Espiefs, Peter	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Roberts, William	Russell, Ronald	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Landers, Dana	Mears, Edgar	Rodrigue, Robert	Stohl, Eric

**GRAFTON**

Almy, Susan	Benn, Bernard	Cobb, John	Cooney, Mary
Gabler, William	Ham, Bonnie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Teschner, Douglass	Ward, Brien		

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Bouldin, Michael	Brundige, Robert	Buckley, Raymond	Cardin, Lori
Carlson, Donald	Christensen, D L Chris	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James

Daigle, Robert  
 Drabinowicz, A Theresa  
 Elliott, Larry  
 Gargas, Carolyn  
 Graham, John  
 Hall, Charles  
 Kacavas, John  
 LaFlamme, Paul  
 Martin, Mary Ellen  
 Melcher, Harold  
 O'Connell, Timothy  
 Rowe, Robert  
 Shaw, Barbara  
 Vaillancourt, Steve

Desrosiers, William  
 Drisko, Richard  
 Ford, Nancy  
 Ginsburg, Ruth  
 Greenberg, Gary  
 Holden, Randolph  
 Keye, Harvey  
 Lasky, Bette  
 McDonough-Wallace, Alice  
 Messier, Irene  
 Palangas, Eric  
 Salts, Greg  
 Souza, Kathleen  
 Wheeler, Robert

Dionne, Kimberley  
 Duval, Jeffrey  
 Foster, Linda  
 Goley, Jeffrey  
 Haley, Robert  
 Jean, Claudette  
 Kony, Christine  
 Leishman, Peter  
 McHugh, Claire  
 Milligan, Robert  
 Panagopoulos, Nicholas  
 Schulze, Joan  
 Spiess, Paul  
 White, John

Dokmo, Cynthia  
 Dyer, Merton  
 Furman, Christine  
 Gorman, Mary  
 Hall, Betty  
 Johnson, Lionel  
 L'Heureux, Robert  
 Lynde, Harold  
 McRae, Karen  
 Movsesian, Lori  
 Peterson, Andrew  
 Seibel, Christopher  
 Sweeney, Cynthia  
 Williams, Carol

### MERRIMACK

Bouchard, Candace  
 Cummings, Raymond  
 Fraser, Leo Jr  
 Greco, Vincent  
 Lockwood, Priscilla  
 Perkins, Randy  
 Rodd, Beth  
 Whittemore, James

Brewster, Richard  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Hager, Elizabeth  
 Maxfield, Roy  
 Potter, Frances  
 Rush, Deanna  
 Yeaton, Charles

Clarke, Claire  
 Davis, Frank  
 French, Barbara  
 Jacobson, Alf  
 Moore, Carol  
 Poulin, David  
 Seldin, Gloria

Crosby, Toni  
 Feuerstein, Martin  
 Gile, Mary  
 Langer, Ray  
 Owen, Derek  
 Reardon, Tara  
 Wallner, Mary Jane

### ROCKINGHAM

Belanger, Ronald  
 Camm, Kevin  
 Clark, Martha Fuller  
 Dowling, Patricia  
 Gleason, John  
 Kelley, Jane  
 Langone, John  
 Norelli, Terie  
 Pantelakos, Laura  
 Rausch, James  
 Shultis, Elizabeth  
 Whittier, John

Bishop, Franklin  
 Carson, Sharon  
 Coes, Betsy  
 Downing, Michael  
 Hutchinson, Karen  
 Kelley, William  
 McGuire, Robert  
 Nowe, Ronald  
 Pitts, Jacqueline  
 Reardon, Neil  
 Splaine, James  
 Woekel, Ralph

Blanchard, MaryAnn  
 Case, Margaret  
 Cooney, Richard  
 Fesh, Bob  
 Johnson, Robert  
 Kobel, Rudolph  
 Micklon, Stephanie  
 Packard, Sherman  
 Power, Lucille  
 Robertson, Carl  
 Trueman, Raymond

Bowles, Raimond  
 Chalbeck, Kevin  
 Dearborn, Bruce  
 Gilbert, Karl  
 Kane, Cecelia  
 Langley, Jane  
 Morse, Charles  
 Palermo, Diane  
 Priestley, Anne  
 Saia, Pamela  
 Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Goodwin, Earle  
 Hughes, Christopher  
 Lent, Donald  
 Proulx, Raymond  
 Snyder, Clair  
 Wall, Janet

Bickford, David  
 Dunlap, Patricia  
 Grassie, Anne  
 Johnson, Nancy  
 McCarthy, Gerald  
 Reid, Christopher  
 Spang, Judith  
 Woodill, Rodney

Brennan, William  
 Estabrook, Iris  
 Harrington, Michael  
 Kaen, Naida  
 Pelletier, Arthur  
 Rollo, Michael  
 Taylor, Kathleen

Callaghan, Frank  
 Gilmore, Gary  
 Heon, Richard  
 Knowles, William  
 Pelletier, Marsha  
 Smith, Marjorie  
 Tsiros, William

### SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Jones, Constance  
 Robb, Amy

Burling, Peter  
 Franklin, Peter  
 Leone, Richard

Cloutier, John  
 Harris, Joseph  
 Odell, Bob

Ferland, Brenda  
 Harris, Sandra  
 Phinizy, James

and the majority amendment failed.

Rep. McGuirk offered a floor amendment (0895h).



**Floor Amendment (0895h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 86:6, relative to taxable property under and tax rate of the legacies and successions tax, is repealed.

2 Applicability. Section 1 of this act shall apply only to estates established as the result of deaths occurring on or after July 1, 2001.

3 Effective Date. This act shall take effect July 1, 2001.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being adoption of the McGuirk floor amendment (0895h).

**YEAS 220 NAYS 162****YEAS 220****BELKNAP**

Dewhirst, Glenn	Flanders, Donald	Johnson, William	Millham, Alida
Pilliod, James	Rice, Thomas Jr	Salatiello, Thomas	Wood, Jane

**CARROLL**

Babson, David Jr	Mock, Henry	Quimby, Lee	Sullivan, P Judith
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**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Emerson, Susan	Espiefs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Zerba, Roger		

**COOS**

Bradley, Paula	Davis, Perley	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Woodward, David	

**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Dudley, Terri	Ham, Bonnie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Ward, Brien	Williams, Burton	

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Baroody, Benjamin	Bellavance, Paul	Bergin, Peter	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Buckley, Raymond	Cardin, Lori
Carlson, Donald	Chabot, Robert	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Fletcher, Richard	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Milligan, Robert	Movsesian, Lori
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Sargent, Maxwell
Schulze, Joan	Seibel, Christopher	Shaw, Barbara	Spies, Paul
Sweeney, Cynthia	Vaillancourt, Steve	White, John	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Clarke, Claire	Colcord, J D	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Dunne, Christopher	Feuerstein, Martin

Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

French, Barbara  
Hutchinson, John  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Gile, Mary  
Jacobson, Alf  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria

## ROCKINGHAM

Bishop, Franklin  
Chalbeck, Kevin  
Cox, Russell  
Gilbert, Karl  
Kane, Cecelia  
Langone, John  
Norelli, Terie  
Ruffner, Walter  
Trueman, Raymond

Blanchard, MaryAnn  
Clark, Martha Fuller  
DiFruscia, Anthony  
Gleason, John  
Kelley, Jane  
McGuire, Robert  
Pantelakos, Laura  
Saia, Pamela  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Coes, Betsy  
Downing, Michael  
Hill, Jonathan  
Kobel, Rudolph  
McKinney, Betsy  
Pitts, Jacqueline  
Shultis, Elizabeth  
Whittier, John

Case, Margaret  
Cooney, Richard  
Flanagan, Natalie  
Johnson, Robert  
Langley, Jane  
Micklon, Stephanie  
Robertson, Carl  
Splaine, James  
Woekel, Ralph

## STRAFFORD

Berube, Roger  
Cossette, Larry  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

Bickford, David  
DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Reid, Christopher  
Spang, Judith

Brennan, William  
Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Rollo, Michael  
Taylor, Kathleen

Callaghan, Frank  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Smith, Marjorie  
Wall, Janet

## SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

## NAYS 162

## BELKNAP

Bartlett, Gordon  
Lawton, David  
Thomas, John

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Czech, Stanley  
Rosen, Ralph

Holbrook, Robert  
Russell, David

## CARROLL

Bradley, Jeb  
Philbrick, Donald

Dickinson, Howard  
Stevens, Stanley

Lyman, L Randy  
Torressen, Gary

Patten, Betsey

## CHESHIRE

Dexter, Judson  
Roberts, William

Edwards, Dana  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

Hunt, John  
Weed, Charles

## COOS

Gallus, John  
Tholl, John Jr

Guay, Lawrence

Pratt, Leighton

Stohl, Eric

## GRAFTON

Alger, John  
Gabler, William  
Mirski, Paul

Barker, Robert  
Gilman, G Michael  
Sova, Charles

Cobb, John  
Giuda, Robert  
Teschner, Douglass

Eaton, Stephanie  
Marshall, Gene

## HILLSBOROUGH

Allan, Nelson  
Bergeron, Jean-Guy  
Christensen, D L Chris

Alukonis, David  
Bouchard, David  
Christiansen, Lars

Balcom, John  
Bruno, Pierre  
Clegg, Robert Jr

Batula, Peter  
Calawa, Leon Jr  
Dionne, Kimberley

Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Furman, Christine	Gonzalez, Carlos
Goulet, Maurice	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herrman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	Leach, Edward	Lessard, Rudy	Martel, Andre
McHugh, Claire	McRae, Karen	Mercer, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Wheeler, Robert
White, Donald			

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Cummings, Raymond	Fraser, Leo Jr
Hess, David	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	MacKay, James	Maxfield, Roy	Poulin, David
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Camm, Kevin
Carson, Sharon	Clark, Vivian	Corbin, Corey	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dowling, Patricia	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald
Griffin, Mary	Hamel, Albert	Henderson, Warren	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	Morse, Charles	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Reardon, Neil	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Albert, Russell	Harrington, Michael	Tsiros, William	Twombly, James
Woods, Phyllis			

**SULLIVAN**

Odell, Bob                      Rodeschin, Beverly

and the McGuirk floor amendment(0895h) was adopted.

Rep. Sapareto offered a floor amendment (0888h).

**Floor Amendment (0888h)**

Amend the title of the bill by replacing it with the following:

AN ACT        establishing a titled motor vehicle transfer tax and relative to estates taxable under the legacies and successions tax.

Amend the bill by replacing all after the enacting clause with the following:

    I New Chapter; Titled Motor Vehicle Transfer Tax. Amend RSA by inserting after chapter 78-C the following new chapter:

**CHAPTER 78-D****TITLED MOTOR VEHICLE TRANSFER TAX**

78-D:1 Definitions. In this chapter:

I. "Business activity" means a group of actions performed by a person or persons for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or profit from such group of actions. The actions ordinarily include, but are not limited to, the receipt of money, property, or other items of value and the incurring or payment of expenses.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Electronic data submission" means the use of either the telephone or computer to transmit information.

V. "In this state" or "within this state" means within the legal jurisdictional boundaries of New Hampshire and includes all territory within these limits owned by or ceded to the United States.

VI "Lease," "leasing," or "rental" means any arrangement whereby, for a consideration, a motor vehicle is possessed or employed for or by a person other than the owner of the vehicle.

VII. "Maintaining a place of business in this state" means the following:

(a) Having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, service enterprise, or other place of business, or any agent of general or restricted authority irrespective of whether the place of business or agent is located here permanently or temporarily or whether the person or subsidiary maintaining such place of business or agent is authorized to do business within this state.

(b) The engaging in any business activity within this state by any person, directly or by a subsidiary, in connection with the sale, lease, or delivery of motor vehicles or the performance of services thereon for use or storage including, but not limited to, having, maintaining or using any office, distribution house, sales house, warehouse, or other place of business, any stock of goods or any solicitor, salesman, agent, or representative under its authority, at its direction or with its permission, regardless of whether the person or subsidiary is authorized to do business in this state.

VIII. "Motor vehicle" means any self-propelled vehicle not operated exclusively on stationary tracks for which a certificate of title is required by RSA 261:1; provided, however, the following shall not be included in the definition of "motor vehicle":

(a) Exempt vehicles as provided in RSA 261:3 I, (a) through (j); and

(b) Construction equipment as defined in RSA 259:42.

IX. "Municipal registration agent" means any person appointed to issue, renew, or transfer motor vehicle registrations pursuant to RSA 261:74-a.

X. "Net purchase price" means the purchase price as defined in this section less any deductions allowed by RSA 78-D:4.

XI. "Person" means an individual, partnership, trust or association, with or without transferable shares, joint stock company, corporation, limited liability company, society, club, organization, institution, estate, receiver, trustee, assignee, or referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals acting as a unit.

XII. "Purchase or purchasing, sale or selling" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of a motor vehicle for a consideration, including leases and transactions whereby the possession of the property is transferred but the seller retains the title as security for the payment of the purchase price.

XIII. (a) "Purchase price" means the gross consideration, exclusive of the tax hereby imposed, which is to be paid for the motor vehicle, expressed in terms of United States currency as of the time of the sale, and shall include the cash consideration, if any, plus the value of any services or property given or to be given, or both, in exchange for the motor vehicle.

(b) In the case of a lease, the purchase price shall mean an amount computed by subtracting the "lease end value" of the motor vehicle from the "original acquisition cost" of the motor vehicle. For purposes of this subparagraph, the "original acquisition cost" of a motor vehicle means the gross consideration which the lessee would pay for the motor vehicle if the lessee purchased the motor vehicle on the date of execution of the lease contract, as stated in the lease contract or worksheet, and the "lease end value" means the value of the motor vehicle at the end of the lease period, as stated in the lease contract or worksheet or as determined by the commissioner pursuant to RSA 78-D:9, III. Purchase price shall also include the value of anything paid or delivered, or promised to be paid or delivered by a lessee, whether it be money or otherwise, to any person other than the vendor or lessor by reason of the maintenance, insurance, or repair of the leased motor vehicle.

XIV. "Tax" means the titled motor vehicle transfer tax imposed by this chapter.

XV. "Taxpayer" means any person required to make returns or pay the tax imposed by this chapter.

XVI. "Vendor" means any person maintaining a place of business in this state, engaged in the business activity of selling or leasing motor vehicles the sale, lease or use of which is subject to the tax imposed by this chapter.



**78-D:2 Imposition of Tax.**

I. A tax is imposed upon each separate sale or lease of a motor vehicle within this state at the rate of one percent of the net purchase price, which tax shall be collected by the vendor from the purchaser, and shall be paid over to the state as provided in this chapter.

II. A tax is imposed upon the use within this state of a motor vehicle, purchased on or after January 1, 2002, at the rate of one percent of the net purchase price, which tax shall be paid to the state by the person who makes such use as provided in this chapter, except that such tax shall not be paid to the state where the tax imposed by paragraph I has been paid by such person or such person has paid the tax imposed by this paragraph to the vendor with respect to such use.

III. A tax is imposed at the rate of one percent on any amount charged at the end of a motor vehicle lease contract executed on or after January 1, 2002 resulting from excess wear and tear or excess mileage.

**78-D:3 Exemptions.** The following motor vehicles shall be exempt from the tax imposed by this chapter :

I. Motor vehicles the rental of which is subject to tax under RSA 78-A; provided, however, that such exemption shall not apply to any vehicle not actually rented for at least 30 days in any single year or which is no longer used for such rentals.

II. Motor vehicles owned or registered, or motor vehicles rented, by any state or province or any political subdivision thereof.

III. Motor vehicles, title to which on January 1, 2002 is in the owner seeking registration thereof.

IV. Motor vehicles transferred to the spouse, mother, father, child, grandparent or grandchild of the donor, or to a trust established for the benefit of any such persons or for the benefit of the donor, or subsequently transferred among such persons provided such motor vehicle has been registered or titled in this state in the name of the original donor.

V. Motor vehicles owned by an individual purchased and used outside this state and brought into this state in connection with the establishment by such individual of a residence in this state, provided such motor vehicle was purchased by the individual more than 2 months prior to the date it was first brought into this state.

**78-D:4 Deductions.** There may be deducted from the purchase price for any motor vehicle the sale, lease, or use of which is taxable under this chapter the amount allowed by the vendor of any trade-in of a taxable motor vehicle received upon the sale of another motor vehicle to the purchaser. When any such motor vehicle traded in is subsequently sold or leased, the tax provided for in this chapter shall apply.

**78-D:5 Credits.** A credit against the tax imposed by this chapter shall be granted with respect to a motor vehicle to be registered in this state on which tax has been paid to another state by reason of the imposition by such other state of a tax similar to the tax imposed by this chapter equal to the amount of such other state tax paid, provided however, that no such credit shall be granted unless such other state grants substantially similar tax relief by reason of the payment of tax under this chapter.

**78-D:6 Collection of Tax; Vendor Liability; Payment at Registration.**

I. Every vendor maintaining a place of business in this state and selling motor vehicles the sale or use of which is subject to tax shall collect the tax from the purchaser at the time of making the sale, and shall remit the tax to the state as provided in RSA 78-D:10. Vendors whose average monthly tax collections do not exceed \$100 may apply to the commissioner to remit taxes annually or on such other schedule as the commissioner may require. Approval of such requests shall be at the discretion of the commissioner.

II. Every vendor maintaining a place of business in this state and leasing motor vehicles the lease of which is subject to tax shall collect the tax from the lessee at the time of making the sale, and shall remit the tax to the state as provided in RSA 78-D:10 in the case of the first lease of a motor vehicle, and within 30 days after any extension of the lease or any subsequent lease of the motor vehicle. Every vendor leasing a motor vehicle shall collect the tax imposed by RSA 78-D:2, III from the lessee and remit it to the commissioner within 30 days after the end of the motor vehicle lease contract. Vendors whose average monthly tax collections do not exceed \$100 may apply to the commissioner to remit taxes annually or on such other schedule as the commissioner may require. Approval of such requests shall be at the discretion of the commissioner.

III. Any vendor required under this chapter to collect tax from another person, who shall fail to collect the proper amount of such tax, shall be liable for the full amount of the tax which the vendor should have collected. Any tax required to be collected, and any tax received by a vendor, shall become a personal debt of the vendor until paid to the state. The vendor shall be relieved of further liability for such taxes in the event that the tax is paid directly to the state by the purchaser or other person.

IV. It shall be presumed that all gross receipts of a vendor from the sale or lease of motor vehicles are from sales subject to tax until the contrary is established. The burden of proving that a sale of or lease of motor vehicles by any vendor is not a taxable sale or lease shall be upon such vendor.

V. Tax due on any motor vehicle to be registered in this state upon which tax has not been collected as provided in paragraphs I or II shall be collected by the municipal registration agent at the time of such registration. Such agent shall remit the tax to the state as provided in RSA 78-D:10.

78-D:7 Purchaser Liability for Tax; Prior Purchases Exempted.

I. Except as provided in paragraph II, every purchaser shall be liable for the tax imposed by this chapter and such liability shall not be extinguished until the tax has been paid to the state, except that payment to a vendor or municipal registration agent required to collect the tax pursuant to RSA 78-D:6 is sufficient to relieve the purchaser from further liability for the tax.

II. Purchasers shall not be liable for or vendors or municipal registration agents required to collect tax on any motor vehicle purchased or used in this state prior to January 1, 2002.

78-D:8 Presumption of Taxability; Notice to Commissioner

I. For the purposes of this chapter, the New Hampshire registration, transfer of registration or issuance of a New Hampshire certificate of title of a motor vehicle shall be presumed to be a transfer upon which the tax applies except as provided in RSA 78-D:3.

II. Upon the return of the certificate of registration, as required by RSA 261, the director of the division of motor vehicles shall forthwith inform the commissioner of the date of transfer and the names and addresses of the former and new owners.

78-D:9 Purchase Price, Investigation and Adjustment; Affiliated Interests.

I. The commissioner may investigate and adjust the purchase price of any motor vehicle the transfer of which is subject to the provisions of this chapter. In instances where it appears to the commissioner that the purchase price reported does not represent the actual value of such consideration, the commissioner may adjust the purchase price of said motor vehicle at the average book value of vehicles of the same make, type, model and year of manufacture as designated by the manufacturer, as shown in the Official Used Car Guide, National Automobile Dealers Association (New England Edition) or any comparable publication, less the lease end value of any leased vehicle. The commissioner may compute and assess the tax due thereon in the manner provided for the assessment of taxes in this chapter.

II. The commissioner may investigate and adjust the value of any motor vehicle trade-in allowed or taken as a deduction to the purchase price of a motor vehicle in the same manner as provided in paragraph I.

III. The commissioner may investigate and adjust the lease end value of any motor vehicle transferred subject to the provisions of this chapter. In instances where it appears to the commissioner that the reported lease end value of a motor vehicle does not represent a commercially reasonable value, the commissioner shall, pursuant to uniform and equitable rules, establish a reasonable, commercial value for the end of the lease period. The commissioner may compute and assess the tax due thereon in the manner provided for the assessment of taxes in this chapter.

IV.(a) In determining the purchase price on the sale, lease or use of a motor vehicle where, because of affiliation of interests between the vendor and purchaser, or irrespective of any such affiliation, if for any other reason the purchase price declared by the vendor or taxpayer on the taxable sale or use of such vehicle is, in the opinion of the commissioner, not indicative of the true value of the vehicle or the fair price thereof, the commissioner shall, pursuant to uniform and equitable rules, determine the amount of constructive purchase price upon the basis of which the tax shall be computed and levied. Such rules shall provide for a constructive amount of purchase price for each such sale, lease or use which would naturally and fairly be charged in an arm's-length transaction in which the element of common interest between the vendor or purchaser is absent or if no common interest exists, any other element causing a distortion of the price or value is likewise absent.

(b) For the purpose of this paragraph where a taxable sale or purchase at retail transaction occurs between a parent and a subsidiary, affiliate, or controlled corporation of such parent corporation, there shall be a rebuttable presumption that, because of such common interest, such transaction was not an arm's-length transaction.

**78-D:10 Tax Reports and Returns; Date Payment Due.**

I.(a) Every vendor shall, on or before the 20th day of the calendar month following the collection of taxes imposed by this chapter, file a report by electronic data submission of the sales and leases and taxes collected thereon for the preceding month to the department. This report shall be filed even though no tax may be due.

(b) If a vendor has been granted permission to make other than monthly filings, as provided in RSA 78-D:6, I the vendor shall make the report required in subparagraph I(a) in accordance with the schedule permitted by the commissioner, even though no tax may be due.

(c) On or before the 20th day of September, every vendor liable to collect and pay over the taxes imposed by this chapter shall make a return to the department reporting the results of the preceding 12-month period beginning July 1 and ending June 30. Such return shall recapitulate the reports filed as required by subparagraph I(a) or (b) and shall provide such other information as the commissioner shall require.

II. Taxes collected by every vendor or municipal registration agent shall be paid to the state on or before the 20th day of the calendar month following collection of the tax or the purchase or use of tangible personal property. The vendor shall remit the taxes due by electronic funds transfer to the department. The municipal registration agent shall remit taxes to the department at the times and in the manner required by the commissioner

III. Notwithstanding the provisions of any other law, reports, returns, and remittances due under this chapter shall be considered timely only if received by the department on or before the 20th day of the calendar month in which they were due. If this due date falls on a Saturday, Sunday, or legal holiday, then the returns and remittances due under this chapter shall be filed no later than the next business day.

IV. The department shall notify the vendor of a successful electronic filing and remittance and provide the vendor with a confirmation number which shall serve as proof of filing and remittance.

V. All reports and returns shall contain an electronic authorization by the vendor or an authorized representative which shall be subject to the pains and penalties of perjury.

VI. Any vendor who ceases to engage in business activity in this state and is thereby not responsible for filing reports and returns under this chapter, shall file a final return with the department not more than one month after discontinuing such activity. This requirement shall apply notwithstanding any other provision of this chapter regarding the time within which to file a report or return.

VII. If the commissioner finds that the information required for the making of an accurate return cannot reasonably be compiled by a vendor within the period provided in this section, the commissioner may grant an extension of time for the filing of such return. Any such extension shall be granted for a period not to exceed 31 calendar days. The granting of such extension may be conditioned upon the payment by the vendor of an amount of money equal to the amount estimated by the commissioner to be due with the return when filed under extension. All such estimated payments shall be credited against the vendor's liabilities under this chapter. The vendor shall pay to the department the amount of tax imposed by this chapter at the time the return is due.

**78-D:11 Books, Records, Papers, and Other Documents.**

I. Every vendor maintaining a place of business in this state or required to file or actually filing in this state shall keep books, records, papers, certificates, and other documents which are adequate to reflect the information required to be reported to the department by the filing of timely reports or returns or maintained for inspection by the department.

II. All books, records, and other papers and documents required to be kept by this chapter shall, at all times during business hours of the day, be subject to inspection by the department.

**78-D:12 Determination of Tax; Additional Returns.**

I. If a return required by this chapter is not filed, or if a return when filed, is incorrect or insufficient, the amount of tax due shall be determined and assessed by the commissioner from any information available.

II. When the commissioner has reason to believe that a vendor has failed to file a report or return or to include any part of the taxable receipts of sales by such vendor in a filed report or return,



the commissioner may require the vendor to file a return or a supplementary return showing such additional information as the commissioner prescribes. The making of such additional return does not relieve the vendor of any penalty for failure to make a correct original report or return, or relieve it from liability for interest imposed under RSA 21-J:28 or for any additional charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29

78-D:13 Administration; Rulemaking.

I. The commissioner shall collect the taxes imposed under this chapter, interest on tax, additions to tax, and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter for deposit in the general fund.

II. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) The form and content of the reports and returns required by this chapter.
- (b) The method of electronic authorization required by RSA 78-D:10.
- (c) Alternative filing procedures in the event there is an electronic equipment malfunction.
- (d) The administration of the tax.
- (e) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA

78-D or RSA 21-J.

III.(a) The commissioner shall adopt emergency rules under RSA 541-A relative to:

- (1) The form and content of the reports and returns required by this chapter.
- (2) The method of electronic authorization required by RSA 78-D:10.
- (3) Alternative filing procedures in the event there is an electronic equipment malfunction.
- (4) The administration of the tax.
- (5) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA

78-D or RSA 21-J.

(b) Notwithstanding RSA 541-A:18, II, such emergency rules shall be effective for 180 days.

After 180 days the commissioner shall adopt rules pursuant to RSA 541-A.

78-D:14 Surety Bonds.

I. When the commissioner deems it necessary to protect the revenues due under this chapter, the commissioner may, after notice and hearing, require any vendor required to collect the tax imposed by this chapter to file with the commissioner a bond issued by a surety company authorized by the New Hampshire insurance department to do business in this state, in an amount fixed by the commissioner, to secure the payment of any tax, interest, or penalties due, or which may become due. The vendor shall file a bond within 10 days after the department has issued and mailed such notice. Surety bonds may be required in situations such as, but not limited to, failure to file reports or returns, failure to make payments with reports or returns at the time required by law, tender by a vendor of checks returned for insufficient funds, failure to pay interest and penalties assessed, vendors who are itinerant, transient, or temporary, and any other situation which, in the discretion of the commissioner, renders the collection of the tax in jeopardy.

II. The surety on such bond shall be discharged from the liability accruing on the bond after the expiration of 60 days from the date on which the surety shall have logged with the department a written request to be so discharged; but such request shall not discharge such surety from any liability already accrued or which shall accrue before the expiration of this 60-day period. The duration of surety bonds shall be for one year only, unless the requirement is canceled or revised by the commissioner before the expiration of the one-year period.

III. In lieu of a bond, cash in an amount prescribed by the commissioner may be deposited with the state treasurer who may, at any time, upon instructions from the commissioner and without notice to the depositor, apply the cash deposited to any tax or interest or penalties due. Cash deposited in lieu of a surety bond shall not earn interest.

IV. Failure to comply with the provisions of this section shall result in the suspension of the vendor's registration license, as provided in RSA 78-D:18.

78-D:15 Motor Vehicle Registration. No certificate of registration shall be issued by the director of the division of motor vehicles to the new owner until such new owner shall furnish evidence, on such forms as shall be prescribed by the commissioner and the director of the division of motor vehicles, that any tax due under the provisions of this chapter has been paid. If payment of any such tax due is made by check and said check is not duly paid, the director of the division of motor vehicles may, after hearing, revoke the certificate of registration. Such tax shall be considered as



a first encumbrance against such vehicle and the vehicle may not be transferred without first payment in full of such tax and any interest additions or penalties which shall accrue thereon in accordance with this chapter or RSA 21-J.

78-D:16 Proceedings to Recover Taxes.

I. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax, or penalties imposed by this chapter.

II. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

78-D:17 Vendor Licenses; Registration.

I. On or before January 1, 2002, or in the case of vendors commencing business or opening new places of business after that date, within 3 days after the commencement or opening, every vendor required to collect any tax imposed by this chapter shall file with the commissioner a license application in a form prescribed by the commissioner. The commissioner shall issue, without charge, to each applicant a license of authority empowering the applicant to collect the tax. Each license shall state the place of business to which it is applicable. The license shall be prominently displayed in the place of business of the vendor. A vendor who has no regular place of doing business shall attach the certificate to the vendor cart, stand, truck, or other merchandising device, or carry it on the vendor person. The certificate shall be nonassignable and nontransferable and shall be surrendered to the commissioner immediately upon the vendor ceasing to do business at the place named.

78-D:18 Suspension or Revocation of Licenses; Appeal.

I. The commissioner may, after notice and hearing, suspend or revoke the license of any vendor required to collect the tax or may refuse to issue or renew any license for failure to comply with this chapter or with any rules adopted hereunder.

II. Any person required to collect the tax aggrieved by a suspension, revocation, or refusal may appeal therefrom, in the same manner as provided in RSA 21-J:28-b for appeal for redetermination or reconsideration of assessments, within 10 days after written notice of the suspension, revocation, or refusal has been mailed or delivered to such person.

III. If the appealing person required to collect the tax files a bond running to the state as provided in RSA 78-D:14, then the suspension or revocation shall be inoperative during the appeal.

78-D:19 Refunds.

I. Claims for refund or credit may be made by a purchaser who has actually paid the tax or by a vendor required to collect the tax who has collected and paid over the tax to the department; provided, however, that the claim is timely made in accordance with RSA 21-J:28-a and RSA 21-J:29. No actual refund of moneys shall be made to a vendor until such person establishes to the satisfaction of the commissioner, under such rules as the commissioner may adopt, that such vendor has repaid to the purchaser the amount for which the application for refund is made or established that no refund is due the purchaser. The commissioner may, in lieu of any refund, allow credit on payments due from the claimant. If the commissioner determines, on a claim for refund or otherwise, that a person has paid an amount of tax under this chapter which, as of the date of the determination, exceeds the amount of tax liability owing from the person to the state, with respect to the current and all preceding taxable periods, under any provision of this title, the commissioner shall forthwith refund the excess amount to the person together with interest as provided in RSA 21-J:28.

78-D:20 Liens. If any person required to pay or collect and transmit a tax under this chapter neglects or refuses to pay the same after demand, the amount, together with all penalties and interest provided for in this chapter and together with any costs that may accrue in addition thereto, shall be a lien in favor of the state of New Hampshire upon all property and rights to property, whether real or personal, belonging to such person. Such lien shall arise at the time demand is made by the commissioner and shall continue until the liability for such sum with interest and costs is satisfied or becomes unenforceable. No lien upon real estate for taxes imposed by this chapter is valid and

binding against any person other than the taxpayer until notice of such lien, stating the name and address of the taxpayer and the amount of the tax due, shall have been filed and recorded in the registry of deeds in the grantor index in the county in which such real estate is located. Notwithstanding the provisions of any other law, the lien shall continue and shall be valid and binding until the liability for the sum, with interest and costs, is satisfied or becomes unenforceable.

2 Legacies and Succession Tax; Taxable Property. Amend RSA 86:6, I to read as follows:

I. All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax of 18 percent of its fair market value for the use of the state, except as provided in paragraphs II and III and RSA 86:9-a and except as follows:

(a) *From July 1, 2001 to June 30, 2002, the first \$200,000 of estate value shall not be taxable under this chapter.*

(b) *From July 1, 2002 to June 30, 2003, the first \$400,000 of estate value shall not be taxable under this chapter.*

(c) *From July 1, 2003 to June 30, 2004, the first \$500,000 of estate value shall not be taxable under this chapter.*

(d) *From July 1, 2004 to June 30, 2005, the first \$600,000 of estate value shall not be taxable under this chapter.*

(e) *From July 1, 2005 to June 30, 2006, the first \$800,000 of estate value shall not be taxable under this chapter.*

(f) *On or after July 1, 2006, the first \$1,000,000 of estate value shall not be taxable under this chapter.*

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2001 and shall apply to all motor vehicle transfers, whether by sale or lease, that occur on or after January 1, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a titled motor vehicle transfer tax.

This bill also establishes phase-in provisions under the legacies and successions tax. Beginning July 1, 2001, estates are exempt from taxation on the first \$200,000 of value. This tax exempt amount increases each year until July 1, 2006, when estates of \$1,000,000 or less in value shall be exempt from the legacies and succession tax.

Rep. Sapareto requested the question be divided.

The Speaker ruled the question was divisible.

Rep. Sapareto requested that Section 2 be divided, spoke in favor and yielded to questions.

Rep. John Pratt spoke against.

On a division vote, 155 members having voted in the affirmative and 226 in the negative, Section 2 of the Sapareto floor amendment failed.

Rep. Sapareto withdrew the remainder of his floor amendment.

Rep. McGuirk requested a roll call; sufficiently seconded.

The question being adoption of the motion of Ought To Pass with Amendment.

**YEAS 221 NAYS 158**

**YEAS 221**

**BELKNAP**

Bartlett, Gordon  
Millham, Alida  
Wood, Jane

Dewhirst, Glenn  
Pilliod, James

Flanders, Donald  
Rice, Thomas Jr

Johnson, William  
Salatiello, Thomas

**CARROLL**

Babson, David Jr  
Quimby, Lee

Dickinson, Howard  
Stevens, Stanley

Mock, Henry  
Sullivan, P Judith

Philbrick, Donald

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Emerson, Susan	Espiefs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Russell, Ronald	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Woodward, David		

**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Dudley, Terri	Ham, Bonnie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Ward, Brien	Williams, Burton		

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Bellavance, Paul	Bouchard, David
Brundige, Robert	Buckley, Raymond	Cardin, Lori	Carlson, Donald
Christensen, D L Chris	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Desrosiers, William
Dokmo, Cynthia	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Graham, John	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Movesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Sargent, Maxwell
Schulze, Joan	Seibel, Christopher	Shaw, Barbara	Spiess, Paul
Sweeney, Cynthia	Tate, Joan	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Dunne, Christopher
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Jacobson, Alf	L'Heureux, Stephen
Lockwood, Priscilla	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Camm, Kevin	Case, Margaret
Clark, Martha Fuller	Coes, Betsy	Cooney, Richard	Cox, Russell
DiFruscia, Anthony	Downing, Michael	Flanagan, Natalie	Hill, Jonathan
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langle, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	Palermo, Diane	Pantelakos, Laura
Pitts, Jacqueline	Robertson, Carl	Ruffner, Walter	Saia, Pamela
Sultis, Elizabeth	Splaine, James	Stone, Joseph	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John	Woelk, Ralph	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary

Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Reid, Christopher  
Spang, Judith

Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Rollo, Michael  
Taylor, Kathleen

Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Smith, Marjorie  
Wall, Janet

Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

### NAYS 158

### BELKNAP

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Czech, Stanley  
Rosen, Ralph

Holbrook, Robert  
Russell, David

Lawton, David  
Thomas, John

### CARROLL

Bradley, Jeb

Lyman, L Randy

Patten, Betsey

Torressen, Gary

### CHESHIRE

Dexter, Judson  
Roberts, William

Edwards, Dana  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

Hunt, John  
Weed, Charles

### COOS

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

Pratt, Leighton

### GRAFTON

Alger, John  
Gabler, William  
Mirski, Paul

Barker, Robert  
Gilman, G Michael  
Scanlan, David

Cobb, John  
Giuda, Robert  
Sova, Charles

Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

### HILLSBOROUGH

Alukonis, David  
Bouldin, Michael  
Chabot, Robert  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Ford, Nancy  
Guinta, Frank  
Hopper, Gary  
Lessard, Rudy  
Mercer, Robert  
Peterson, Andrew  
Souza, Kathleen  
Wheeler, Robert

Balcom, John  
Bragdon, Peter  
Christiansen, Lars  
Drabinowicz, A Theresa  
Fields, Dennis  
Furman, Christine  
Hall, Charles  
Jean, Loren  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Tahir, Saghir  
White, Donald

Batula, Peter  
Bruno, Pierre  
Clegg, Robert Jr  
Eaton, Richard  
Fletcher, Richard  
Gonzalez, Carlos  
Herman, Keith  
Kurk, Neal  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Thompson, Rob

Bergeron, Jean-Guy  
Calawa, Leon Jr  
Coughlin, Pamela  
Elliott, Larry  
Flora, Kathleen  
Greenberg, Gary  
Holden, Randolph  
Lefebvre, Roland  
McRae, Karen  
Pepino, Leo  
Salts, Greg  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Soltani, Tony

Cummings, Raymond  
Langer, Ray  
Swindlehurst, John

Fraser, Leo Jr  
Leber, William  
Whalley, Michael

Hutchinson, John  
MacKay, James  
Winter, Steven

### ROCKINGHAM

Arndt, Janet  
Carson, Sharon

Belanger, Ronald  
Chalbeck, Kevin

Bishop, Franklin  
Clark, Vivian

Bridle, Russell  
Corbin, Corey



Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Morse, Charles  
Priestley, Anne  
Rabideau, Marie  
Sloan, Stephen  
Weyler, Kenneth

Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Rausch, James  
Stritch, C Donald  
Zolla, William

Dodge, Robert  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil  
Varrell, Thomas

Dowling, Patricia  
Gilbert, Jeffrey  
Griffin, Mary  
Hutchinson, Karen  
Katsakiores, George  
McKinney, Betsy  
Power, Lucille  
Quandt, Matthew  
Sapareto, Frank  
Welch, David

### STRAFFORD

Albert, Russell  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

Tsiros, William

### SULLIVAN

Rodeschin, Beverly  
and the motion was adopted.  
Ordered to third reading.

### REMOVED FROM TABLE

Rep. Scanlan moved that *HB 50-FN-A-L*, relative to sources for funding an adequate education, be removed from the table. (Pending question: Ought to Pass).  
Rep. Soltani requested a roll call; sufficiently seconded.

### YEAS 195 NAYS 184

#### YEAS 195

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Russell, David

Boyce, Laurie  
Lawton, David  
Thomas, John

Czech, Stanley  
Nedeau, Stephen  
Wendelboe, Fran

Flanders, Donald  
Rice, Thomas Jr

#### CARROLL

Babson, David Jr  
Mock, Henry  
Torressen, Gary

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Stevens, Stanley

Lyman, L Randy  
Sullivan, P Judith

#### CHESHIRE

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

#### COOS

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

#### GRAFTON

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Scanlan, David

### HILLSBOROUGH

Allan, Nelson  
Balcom, John  
Bouldin, Michael

Alukonis, David  
Batula, Peter  
Bragdon, Peter

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert

Balboni, Michael  
Bouchard, David  
Bruno, Pierre

Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Golding, William  
Greenberg, Gary  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Tahir, Saghir  
Vaillancourt, Steve

Carlson, Donald  
Clegg, Robert Jr  
Eaton, Richard  
Fletcher, Richard  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

Chabot, Robert  
Coughlin, Pamela  
Elliott, Larry  
Flora, Kathleen  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob  
White, Donald

Christensen, D L Chris  
Desrosiers, William  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Peterson, Andrew  
Souza, Kathleen  
Thulander, O Alan

## MERRIMACK

Anderson, Eric  
Fraser, Leo Jr  
Langer, Ray  
Swindlehurst, John

Colcord, J D  
Hutchinson, John  
Leber, William  
Whalley, Michael

Cummings, Raymond  
Kennedy, Richard  
MacKay, James  
Winter, Steven

Dunne, Christopher  
L'Heureux, Stephen  
Soltani, Tony

## ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

Belanger, Ronald  
Carson, Sharon  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Kelley, William  
Morse, Charles  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Bishop, Franklin  
Chalbeck, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Rausch, James  
Sapareto, Frank  
Welch, David

Bridle, Russell  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

## STRAFFORD

Albert, Russell  
Reid, Christopher

Bickford, David  
Tsiros, William

Cossette, Larry  
Twombly, James

Harrington, Michael  
Woods, Phyllis

## SULLIVAN

Odell, Bob

Rodeschin, Beverly

## NAYS 184

## BELKNAP

Dewhirst, Glenn  
Rosen, Ralph

Johnson, William  
Salatiello, Thomas

Millham, Alida  
Wood, Jane

Pilliod, James

## CARROLL

Philbrick, Donald

Quimby, Lee

## CHESHIRE

Allen, Peter  
Espieffs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

DePecol, Benjamin  
Meador, David  
Russell, Ronald

**COOS**

Bradley, Paula  
Rodrigue, Robert

Davis, Perley

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Ward, Brien

Ham, Bonnie  
Pawlek, Marion  
Williams, Burton

**HILLSBOROUGH**

Andosca, Mary  
Buckley, Raymond  
Cote, David  
Dokmo, Cynthia  
Dwyer, Paul  
Gargas, Carolyn  
Haley, Robert  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
Messier, Irene  
Panagopoulos, Nicholas  
Shaw, Barbara  
Williams, Carol

Arnold, Thomas Jr  
Cardin, Lori  
Cote, Peter  
Drabinowicz, A Theresa  
Dyer, Merton  
Ginsburg, Ruth  
Hall, Betty  
Kacavas, John  
Leach, Edward  
Martin, Mary Ellen  
Movsesian, Lori  
Rowe, Robert  
Spiess, Paul

Baroody, Benjamin  
Clayton, William  
Craig, James  
Drisko, Richard  
Ford, Nancy  
Goley, Jeffrey  
Hall, Charles  
Keye, Harvey  
Lefebvre, Roland  
McDonough-Wallace, Alice  
O'Connell, Timothy  
Schulze, Joan  
Sweeney, Cynthia

Bellavance, Paul  
Clemons, Jane  
Daigle, Robert  
Duval, Jeffrey  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
Konys, Christine  
Leishman, Peter  
Melcher, Harold  
Palangas, Eric  
Seibel, Christopher  
White, John

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Brewster, Richard  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Clarke, Claire  
Feuerstein, Martin  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Crosby, Toni  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn  
Coes, Betsy  
Johnson, Robert  
Langley, Jane  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

Bowles, Raimond  
Cooney, Richard  
Kane, Cecelia  
Langone, John  
Palermo, Diane  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Case, Margaret  
Dearborn, Bruce  
Kelley, Jane  
McGuire, Robert  
Pantelakos, Laura  
Sloan, Stephen  
Whittier, John

Clark, Martha Fuller  
Downing, Michael  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Splaine, James

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Spang, Judith

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

and the motion was adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. DiFruscia moved that the House reconsider its action on **HB 50-FN-A-L**, relative to sources of funding an adequate education.

Rep. DiFruscia spoke in favor and yielded to questions.

Reps. Spiess and Kacavas spoke against.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being reconsideration of the vote whereby the committee amendment was defeated.

**YEAS 184 NAYS 194****YEAS 184****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

**CARROLL**

Babson, David Jr	Dickinson, Howard	Lyman, L Randy	Mock, Henry
Patten, Betsey	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

**CHESHIRE**

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass		

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Furman, Christine	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	LaFlamme, Paul	LaRose, Richard	Lessard, Rudy
Martel, Andre	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

**MERRIMACK**

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Poulin, David
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven



**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dowling, Patricia	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Odell, Bob	Rodeschin, Beverly
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**NAYS 194****BELKNAP**

Dewhirst, Glenn	Flanders, Donald	Johnson, William	Millham, Alida
Pilliod, James	Salatiello, Thomas	Wood, Jane	

**CARROLL**

Bradley, Jeb	Philbrick, Donald	Quimby, Lee
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Espiefs, Peter	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Russell, Ronald
Weed, Charles	Zerba, Roger		

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Ward, Brien	Williams, Burton

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Cardin, Lori	Carlson, Donald	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Duval, Jeffrey	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Ford, Nancy	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	L'Heureux, Robert	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lynde, Harold

McDonough-Wallace, Alice  
 Movsesian, Lori  
 Peterson, Andrew  
 Shaw, Barbara  
 Williams, Carol

McHugh, Claire  
 O'Connell, Timothy  
 Rowe, Robert  
 Spiess, Paul

Melcher, Harold  
 Palangas, Eric  
 Schulze, Joan  
 Sweeney, Cynthia

Messier, Irene  
 Panagopoulos, Nicholas  
 Seibel, Christopher  
 White, John

### MERRIMACK

Bouchard, Candace  
 Crosby, Toni  
 Fraser, Marilyn  
 Hager, Elizabeth  
 Moore, Carol  
 Reardon, Tara  
 Wallner, Mary Jane

Brewster, Richard  
 Daneault, Gabriel  
 French, Barbara  
 Jacobson, Alf  
 Owen, Derek  
 Rodd, Beth  
 Whittemore, James

Clarke, Claire  
 Davis, Frank  
 Gile, Mary  
 Lockwood, Priscilla  
 Perkins, Randy  
 Rush, Deanna  
 Yeaton, Charles

Colcord, J D  
 Feuerstein, Martin  
 Greco, Vincent  
 Maxfield, Roy  
 Potter, Frances  
 Seldin, Gloria

### ROCKINGHAM

Blanchard, MaryAnn  
 Coes, Betsy  
 Downing, Michael  
 Kane, Cecelia  
 Langone, John  
 Pantelakos, Laura  
 Shultis, Elizabeth  
 Weatherspoon, Jacquelyne

Bowles, Raimond  
 Cooney, Richard  
 Flanagan, Natalie  
 Kelley, Jane  
 McGuire, Robert  
 Pitts, Jacqueline  
 Sloan, Stephen  
 Whittier, John

Case, Margaret  
 Cox, Russell  
 Gleason, John  
 Kobel, Rudolph  
 Micklon, Stephanie  
 Robertson, Carl  
 Splaine, James  
 Woelke, Ralph

Clark, Martha Fuller  
 Dearborn, Bruce  
 Johnson, Robert  
 Langley, Jane  
 Norelli, Terie  
 Saia, Pamela  
 Trueman, Raymond

### STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Grassie, Anne  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Wall, Janet

Brennan, William  
 Estabrook, Iris  
 Heon, Richard  
 Knowles, William  
 Pelletier, Marsha  
 Snyder, Clair  
 Woodill, Rodney

Callaghan, Frank  
 Gilmore, Gary  
 Hughes, Christopher  
 Lent, Donald  
 Proulx, Raymond  
 Spang, Judith

DeChane, Marlene  
 Goodwin, Earle  
 Johnson, Nancy  
 McCarthy, Gerald  
 Rollo, Michael  
 Taylor, Kathleen

### SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Jones, Constance

Burling, Peter  
 Franklin, Peter  
 Leone, Richard

Cloutier, John  
 Harris, Joseph  
 Phinzy, James

Ferland, Brenda  
 Harris, Sandra  
 Robb, Amy

and the reconsideration motion failed.

Rep. Harrington declared a conflict of interest and did not participate.

The question now being adoption of the motion of Ought to Pass.

Rep. Martha Fuller Clark requested a roll call; sufficiently seconded.

### YEAS 171 NAYS 208

### YEAS 171

### BELKNAP

Bartlett, Gordon  
 Lawton, David  
 Thomas, John

Boyce, Laurie  
 Nedeau, Stephen  
 Wendelboe, Fran

Czech, Stanley  
 Rice, Thomas Jr

Flanders, Donald  
 Russell, David

### CARROLL

Babson, David Jr  
 Mock, Henry  
 Torressen, Gary

Bradley, Jeb  
 Patten, Betsey

Dickinson, Howard  
 Stevens, Stanley

Lyman, L Randy  
 Sullivan, P Judith

### CHESHIRE

Dexter, Judson  
 Hunt, John

Edwards, Dana  
 Roberts, William

Emerson, Susan  
 Royce, H Charles

Fairbanks, Chandler  
 Smith, Edwin

**COOS**

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert

Alger, John  
Eaton, Stephanie  
Marshall, Gene

Barker, Robert  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bouldin, Michael  
Chabot, Robert  
Coughlin, Pamela  
Fields, Dennis  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
Martel, Andre  
Moran, Edward  
Salts, Greg  
Tate, Joan

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Christensen, D L Chris  
Dionne, Kimberley  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
L'Heureux, Robert  
McHugh, Claire  
Pappas, Marc  
Sargent, Maxwell  
Thompson, Rob

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Christiansen, Lars  
Eaton, Richard  
Flora, Kathleen  
Graham, John  
Holden, Randolph  
LaRose, Richard  
Mercer, Robert  
Pepino, Leo  
Souza, Kathleen  
Vaillancourt, Steve

Balboni, Michael  
Bouchard, David  
Bruno, Pierre  
Clegg, Robert Jr  
Elliott, Larry  
Furman, Christine  
Greenberg, Gary  
Hopper, Gary  
Lessard, Rudy  
Milligan, Robert  
Reeves, Sandra  
Tahir, Saghir  
White, Donald

**MERRIMACK**

Anderson, Eric  
Hess, David  
Langer, Ray  
Soltani, Tony

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Swindlehurst, John

Dunne, Christopher  
Kennedy, Richard  
MacKay, James  
Winter, Steven

Fraser, Leo Jr  
L'Heureux, Stephen  
Poulin, David

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Corbin, Corey  
Dowling, Patricia  
Gilbert, Jeffrey  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Rabideau, Marie  
Sapareto, Frank  
Welch, David

Belanger, Ronald  
Carson, Sharon  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Nowe, Ronald  
Putnam, Ed II  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Chalbeck, Kevin  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Letourneau, Robert  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil  
Stritch, C Donald  
Zolla, William

Bridle, Russell  
Clark, Vivian  
Dodge, Robert  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Major, Norman  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Varrell, Thomas

**STRAFFORD**

Albert, Russell  
Tsiros, William

Bickford, David  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

**SULLIVAN**

Rodeschin, Beverly

**NAYS 208****BELKNAP**

Dewhirst, Glenn  
Pilliod, James

Holbrook, Robert  
Rosen, Ralph

Johnson, William  
Salatiello, Thomas

Millham, Alida  
Wood, Jane

**CARROLL**

Philbrick, Donald

Quimby, Lee

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

DePecol, Benjamin  
Meador, David  
Russell, Ronald

**COOS**

Bradley, Paula  
Rodrigue, Robert

Davis, Perley  
Woodward, David

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Lovett, Sid  
Scanlan, David  
Ward, Brien

Benn, Bernard  
Naro, Debra  
Scovner, Nancy  
Williams, Burton

Cooney, Mary  
Nordgren, Sharon  
Sokol, Hilda

Ham, Bonnie  
Pawlek, Marion  
Teschner, Douglass

**HILLSBOROUGH**

Andosca, Mary  
Buckley, Raymond  
Clayton, William  
Craig, James  
Drabinowicz, A Theresa  
Dyer, Merton  
Gargasch, Carolyn  
Gorman, Mary  
Jean, Claudette  
Konys, Christine  
Leach, Edward  
Martin, Mary Ellen  
Messier, Irene  
Panagopoulos, Nicholas  
Seibel, Christopher  
Thulander, O Alan

Arnold, Thomas Jr  
Calawa, Leon Jr  
Clemons, Jane  
Daigle, Robert  
Drisko, Richard  
Emerton, Lawrence Sr  
Ginsburg, Ruth  
Haley, Robert  
Johnson, Lionel  
Kurk, Neal  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Movsesian, Lori  
Peterson, Andrew  
Shaw, Barbara  
White, John

Baroody, Benjamin  
Cardin, Lori  
Cote, David  
Desrosiers, William  
Duval, Jeffrey  
Ford, Nancy  
Golding, William  
Hall, Betty  
Kacavas, John  
LaFlamme, Paul  
Leishman, Peter  
McRae, Karen  
O'Connell, Timothy  
Rowe, Robert  
Spiess, Paul  
Williams, Carol

Bellavance, Paul  
Carlson, Donald  
Cote, Peter  
Dokmo, Cynthia  
Dwyer, Paul  
Foster, Linda  
Goley, Jeffrey  
Herman, Keith  
Keye, Harvey  
Lasky, Bette  
Lynde, Harold  
Melcher, Harold  
Palangas, Eric  
Schulze, Joan  
Sweeney, Cynthia

**MERRIMACK**

Bouchard, Candace  
Crosby, Toni  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Brewster, Richard  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whalley, Michael

Clarke, Claire  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Whittemore, James

Colcord, J D  
Feuerstein, Martin  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Coes, Betsy  
Downing, Michael  
Kane, Cecelia  
Langley, Jane  
Morse, Charles  
Robertson, Carl  
Splaine, James  
Woekel, Ralph

Bowles, Raimond  
Cooney, Richard  
Flanagan, Natalie  
Kelley, Jane  
Langone, John  
Norelli, Terie  
Saia, Pamela  
Trueman, Raymond

Case, Margaret  
Cox, Russell  
Gleason, John  
Kelley, William  
McGuire, Robert  
Pantelakos, Laura  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Dearborn, Bruce  
Johnson, Robert  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Sloan, Stephen  
Whittier, John

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia

Brennan, William  
Estabrook, Iris

Callaghan, Frank  
Gilmore, Gary

DeChane, Marlene  
Goodwin, Earle



Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Rollo, Michael  
Taylor, Kathleen

Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Smith, Marjorie  
Wall, Janet

Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

Johnson, Nancy  
McCarthy, Gerald  
Reid, Christopher  
Spang, Judith

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

and the motion failed.

Rep. Harrington notified the Clerk that he voted inadvertently after declaring a conflict of interest indicating that he would not participate.

Rep. Hager moved Inexpedient to Legislate.

Adopted.

### MOTION TO SPECIAL ORDER

Reps. Scanlan and Burling moved that **HB 759-FN-A-L**, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education, and **HB 766-FN-A-L**, establishing a New Hampshire education tax on gross receipts from the consumption of sales of goods and services as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax be made a Special Order for Thursday, April 19, 2001 for the beginning of the Regular Calendar; and the bills removed from the Consent Calendar be made a Special Order for Thursday April 19, 2001 for the end of the Regular Calendar.

Adopted.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 19, 2001 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 289-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child.

**HB 509**, establishing a statute of limitations on spousal support orders.

**HB 699**, relative to the rights of non-offending parents in the context of abuse and neglect cases.

**HB 394**, relative to short-term health insurance policies for certain persons.

**HB 525**, relative to property and casualty insurance.

**HB 534**, relative to "salvage" motor vehicles.

**HB 580**, requiring health insurance carriers to provide loss information to large employers at least once every 6 months.

**HB 591**, relative to certain prescription discount cards.

**HB 680**, relative to foreign reinsurers.

**HB 702**, relative to the duties of the committee to study the consumer protection effort in New Hampshire.

**HB 731**, relative to securities laws.

**HB 745-FN**, revising Article 9 of the Uniform Commercial Code and related statutes.

**HB 753**, relative to exemptions from issuer dealer licenses for the sale of securities.

**HB 481**, relative to access to certain communications common carrier records.

**HB 659-FN**, relative to penalties for attempting to purchase firearms illegally.

**HB 764-FN**, relative to interference with custody.

**HB 412**, relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.

**HB 154**, relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket.

**HB 224**, relative to persons who may sign nomination papers.

**HB 373**, relative to surety bonds for detective agencies and security services.

**HB 387**, relative to the regulation of dentistry by the board of dental examiners.

**HB 477-FN**, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system.

**HB 511**, relative to continuing medical education requirements for physicians.

**HB 584-FN-A**, relative to the registration and licensure of OHRV dealers and rental agents.

**HB 630**, establishing a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions.

**HB 727**, making certain changes concerning the authority and operation of the port authority.

**HB 738**, establishing a commission to assess the operating efficiency of state government.

**HB 206-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

**HB 288-FN**, relative to the licensure of interpreters for the deaf and hard of hearing.

**HB 305-FN-A**, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief.

**HB 547-FN**, authorizing participation in a regional electronic toll collection system.

**HB 612**, relative to expenditures from the dam maintenance fund by the department of environmental services.

**HB 588**, relative to examination of persons called as jurors.

**HB 616**, clarifying sessions to be held at the satellite district court in Durham.

**HB 622**, relative to the time period for the executive council to confirm nominees to the Supreme Court.

**HB 703**, relative to durable powers of attorney.

**HB 275**, relative to the expenditure of funds received pursuant to the Workforce Investment Act.

**HB 614**, relative to certain duties, responsibilities, and authority of the fiscal committee.

**HB 435**, relative to assessment of service charges by municipalities and counties that accept credit cards for payment of local taxes, utility charges, or other fees.

**HB 512**, relative to off-site improvements imposed on applicants to a planning board.

**HB 723**, relative to vacancies in county offices.

**HB 413**, relative to ownership of rail properties.

**HB 653-FN**, relative to certain signs within highway rights-of-way.

**HJR 5**, encouraging the use of renewable energy systems in new or rehabilitated state buildings.

**HB 578**, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

**HB 219**, relative to the rules of the road involving school buses.

**HB 615**, relative to the duties of motor vehicle inspectors.

**HB 652**, relative to the penalties for reckless or negligent operation of a motor vehicle.

**HB 663**, relative to lights on school buses.

**HB 669**, requiring certain safety devices on freight locomotives.

**HB 186-FN-A**, establishing a pesticides training program.

**HB 303-FN-A-L**, relative to funding of training and certification of firefighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees.

**HB 310**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003.

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

**HB 25-FN-A**, making appropriations for capital improvements.

**HB 748-FN-A-L**, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.

**HB 170-FN-A**, repealing the legacies and succession tax.

**MOTION TO RECONSIDER**

Having voted on the prevailing side, Rep. Burling moved that the House reconsider its action whereby it found *HB 50-FN-A-L*, relative to sources of funding an adequate education, *Inexpedient* to Legislate.

Rep. Pappas requested a roll call; sufficiently seconded.

The question being reconsideration of *Inexpedient* to Legislate.

**YEAS 190 NAYS 189****YEAS 190****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

**CARROLL**

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith
Torresen, Gary			

**CHESHIRE**

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

**COOS**

Gallus, John	Guay, Lawrence	Pratt, Leighton	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Furman, Christine	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Leach, Edward
Lefebvre, Roland	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
White, Donald			

**MERRIMACK**

Anderson, Eric	Dunne, Christopher	Feuerstein, Martin	Hess, David
Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	MacKay, James	Poulin, David	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dowling, Patricia	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Reardon, Neil	Ruffner, Walter	Saia, Pamela	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Zolla, William		

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Reid, Christopher	Tsiros, William	Twombly, James	Woods, Phyllis

**SULLIVAN**

Odell, Bob	Rodeschin, Beverly
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**NAYS 189****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Bradley, Jeb	Philbrick, Donald	Quimby, Lee
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**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Russell, Ronald	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Stohl, Eric	

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Williams, Burton	

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Cardin, Lori	Carlson, Donald	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Ford, Nancy	Foster, Linda	Gargasch, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold



Messier, Irene  
Panagopoulos, Nicholas  
Shaw, Barbara  
Williams, Carol

Movsesian, Lori  
Peterson, Andrew  
Spiess, Paul

O'Connell, Timothy  
Schulze, Joan  
Sweeney, Cynthia

Palangas, Eric  
Seibel, Christopher  
White, John

### MERRIMACK

Bouchard, Candace  
Crosby, Toni  
Fraser, Leo Jr  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Cummings, Raymond  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Colcord, J D  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Coes, Betsy  
Downing, Michael  
Kane, Cecelia  
Langone, John  
Pantelakos, Laura  
Splaine, James  
Woekel, Ralph

Bowles, Raimond  
Cooney, Richard  
Flanagan, Natalie  
Kelley, Jane  
McGuire, Robert  
Pitts, Jacqueline  
Trueman, Raymond

Case, Margaret  
Cox, Russell  
Gleason, John  
Kobel, Rudolph  
Micklon, Stephanie  
Robertson, Carl  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Dearborn, Bruce  
Johnson, Robert  
Langley, Jane  
Norelli, Terie  
Shultis, Elizabeth  
Whittier, John

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Spang, Judith

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinzy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

and the motion to reconsider was adopted.

### LAID ON THE TABLE

Rep. Herman moved that **HB 50-FN-A-L**, relative to sources of funding an adequate education, be laid upon the table.

Rep. Bruno requested a roll call; sufficiently seconded.

### YEAS 198 NAYS 181

#### YEAS 198

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Rosen, Ralph

Czech, Stanley  
Lawton, David  
Russell, David

Dewhirst, Glenn  
Nedeau, Stephen  
Thomas, John

#### CARROLL

Babson, David Jr  
Mock, Henry  
Torressen, Gary

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Stevens, Stanley

Lyman, L Randy  
Sullivan, P Judith

**CHESHIRE**

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

**COOS**

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dyer, Merton  
Fields, Dennis  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Eaton, Richard  
Fletcher, Richard  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
White, Donald

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Elliott, Larry  
Flora, Kathleen  
Graham, John  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob

Balboni, Michael  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Furman, Christine  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Hess, David  
Langer, Ray  
Poulin, David  
Winter, Steven

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Soltani, Tony

Dunne, Christopher  
Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

Fraser, Leo Jr  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Cooney, Richard  
Dodge, Robert  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Kelley, William  
Morse, Charles  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Corbin, Corey  
Dowling, Patricia  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Rausch, James  
Sloan, Stephen  
Welch, David

Bishop, Franklin  
Chalbeck, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

Bridle, Russell  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

**STRAFFORD**

Albert, Russell  
Reid, Christopher

Bickford, David  
Tsiros, William

Cossette, Larry  
Twombly, James

Harrington, Michael  
Woods, Phyllis

**SULLIVAN**

Odell, Bob                      Rodeschin, Beverly

**NAYS 181****BELKNAP**

Johnson, William                      Pilliod, James                      Salatiello, Thomas  
Wood, Jane

**CARROLL**

Philbrick, Donald                      Quimby, Lee

**CHESHIRE**

Allen, Peter                      Avery, Stephen                      Batchelder, Robert                      Burnham, Daniel  
DePecol, Benjamin                      Espieffs, Peter                      Manning, Joseph                      McGuirk, Paul  
Meador, David                      Mitchell, McKim                      Pratt, John                      Richardson, Barbara  
Russell, Ronald                      Weed, Charles                      Zerba, Roger

**COOS**

Bradley, Paula                      Davis, Perley                      Landers, Dana                      Mears, Edgar  
Rodrigue, Robert

**GRAFTON**

Almy, Susan                      Benn, Bernard                      Cooney, Mary                      Ham, Bonnie  
Lovett, Sid                      Naro, Debra                      Nordgren, Sharon                      Pawlek, Marion  
Scovner, Nancy                      Sokol, Hilda                      Ward, Brien

**HILLSBOROUGH**

Andosca, Mary                      Arnold, Thomas Jr                      Baroody, Benjamin                      Bellavance, Paul  
Buckley, Raymond                      Cardin, Lori                      Clayton, William                      Clemons, Jane  
Cote, David                      Cote, Peter                      Craig, James                      Daigle, Robert  
Desrosiers, William                      Dokmo, Cynthia                      Drabinowicz, A Theresa                      Drisko, Richard  
Duval, Jeffrey                      Dwyer, Paul                      Ford, Nancy                      Foster, Linda  
Gargas, Carolyn                      Ginsburg, Ruth                      Golding, William                      Goley, Jeffrey  
Gorman, Mary                      Haley, Robert                      Hall, Betty                      Jean, Claudette  
Johnson, Lionel                      Kacavas, John                      Keye, Harvey                      Konys, Christine  
Lasky, Bette                      Leach, Edward                      Lefebvre, Roland                      Leishman, Peter  
Lynde, Harold                      Martin, Mary Ellen                      McDonough-Wallace, Alice                      Melcher, Harold  
Messier, Irene                      Movsesian, Lori                      O'Connell, Timothy                      Palangas, Eric  
Panagopoulos, Nicholas                      Peterson, Andrew                      Schulze, Joan                      Seibel, Christopher  
Shaw, Barbara                      Spiess, Paul                      Sweeney, Cynthia                      White, John  
Williams, Carol

**MERRIMACK**

Bouchard, Candace                      Brewster, Richard                      Clarke, Claire                      Colcord, J D  
Crosby, Toni                      Daneault, Gabriel                      Davis, Frank                      Feuerstein, Martin  
Fraser, Marilyn                      French, Barbara                      Gile, Mary                      Greco, Vincent  
Hager, Elizabeth                      Jacobson, Alf                      Maxfield, Roy                      Moore, Carol  
Owen, Derek                      Perkins, Randy                      Potter, Frances                      Reardon, Tara  
Rodd, Beth                      Rush, Deanna                      Seldin, Gloria                      Wallner, Mary Jane  
Whittemore, James                      Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn                      Bowles, Raimond                      Case, Margaret                      Clark, Martha Fuller  
Coes, Betsy                      Cox, Russell                      Dearborn, Bruce                      Downing, Michael  
Flanagan, Natalie                      Johnson, Robert                      Kane, Cecelia                      Kelley, Jane  
Kobel, Rudolph                      Langley, Jane                      Langone, John                      McGuire, Robert  
Micklon, Stephanie                      Norelli, Terie                      Pantelakos, Laura                      Pitts, Jacqueline  
Robertson, Carl                      Shultis, Elizabeth                      Splaine, James                      Trueman, Raymond  
Weatherspoon, Jacquelyne                      Whittier, John

## STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

## SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizz, James	Robb, Amy

and **HB 50-FN-A-L** was laid on the table.

## UNANIMOUS CONSENT

Rep. Buckley addressed the House.

Rep. Mirski requested that Rep. Buckley's remarks be printed in the Journal.

Adopted.

## REMARKS

Rep. Buckley: Thank you, Mr. Speaker. Members of the House, I know this has been a long day full of heated emotion but I ask your indulgence for just a few moments. Last week we lost a colleague that I don't believe many of you really had the opportunity to know. So I would like to take just a few moments at the end of the day as we take our breath before we go home to either untwist our twisted arms or take that extra swig of whatever you wish to swig and reflect on the person who was so proud to be a member of this House. There was a book published just a few months ago Under the Bridge, Stories and Poems by Manchester's Homeless. First I would like to read a poem, "How Could I Say No", that was written by a constituent of mine in Manchester's Ward 8. This is about Bonnie Patria.

**How Could I Say No**

*How could I say no to someone I hold dear?*

*Through no fault of her own left homeless.*

*When it was me who told her put up with the abuse no longer.*

*Her struggle has been for so long and*

*Where she got her strength God only knows.*

*Through many miracles He healed her.*

*Now how can I refuse to give her a place to stay? I cannot.*

*It will be He who judges me someday.*

*I have so much; she so little, yet she has faith and her smile brightens my day.*

*I wish I could be as strong as her!*

*I know what people who have and not need think.*

*I can't take a chance; I just can't trust.*

*When one looks really deep inside you find what really matters.*

*Compassion, caring, concern and love.*

*It hides inside deep down where it can be reached.*

*So I did it for a short time, but it took more.*

*A lot more of time, research, working with agencies, housing and filling out lots of papers.*

*It gave her a feeling of worth. No more being pushed aside.*

*Yes there was someone who cared.*

*Now wouldn't it be just wonderful*

*if more people could do just the same to someone homeless?*

*The rewards are worth it.*

by Sandra Rogers

There's a story of which Bonnie, when she was talking about this book, was very proud. It was published in here about herself. This, hopefully, will give you a little insight on this wonderful colleague of ours whom we just lost.



*Fighting For The Homeless*

by Bonnie Patria

*I've been fighting for lunch for the homeless people in New Hampshire since 1996. The State House recognized the bill I put in the state legislature to provide lunch to all homeless people who do volunteer work in a shelter or the community. This bill is called SB-100.*

*State Senator Lou D'Allesandro and Representative Martha Fuller Clark sponsored this important bill. However, the bill was killed by the Finance Committee Office because of insufficient funds. It seems that education has top priority over hunger in New Hampshire. Mr. Kurk said that WMUR-TV Channel 9 News and the Union Leader newspaper could tell the generous people of New Hampshire to donate sandwiches to local homeless shelters. I feel there are many caring citizens who would help to feed the homeless people.*

*Governor Jeanne Shaheen gave me an award on Dec. 6, 1997, because I used my own money to feed lunch to the homeless people at New Horizons for four months in 1996. Recently, Mr. & Mrs. Gore thanked me for my good work with the homeless and mentally ill people.*

*In April and May of 1999, I was homeless due to serious marital problems and lack of money. Selectman Sandra Rogers took me into her home until I found an apartment in Ward Three. I even slept one night on a park bench in front of the State House in Concord.*

*Breast cancer and surgery in 1998 didn't kill me, but I had to curtail my volunteer services at the New Horizons shelter. I received a clean bill of health from a recent mammogram and I was able to walk for the Breast Cancer Research and join in a candlelight vigil for the Mental Health Alliance. For two years I have served as a state delegate and in September 1999 I won the primary in a selectman election which placed me on the ballot for the coming November election.*

*I wrote a story about Jeanne Shaheen that won Rutgers' approval and received recognition from Good Housekeeping and Esquire magazines. This story was about how hard the governor fights for the poor and homeless.*

*It was fun lobbying at the State House for a nursing home for the elderly. The bill never reached the Senate because it was killed in the House.*

*The states of Massachusetts, New York and New Jersey are interested in the New Hampshire SB-100 for a pilot program, but I think New Hampshire should be the first to adopt it since the idea originated with me in New Hampshire.*

*My reason for going into politics is to provide a voice for the homeless and poor people. There is a strong need for better services to end the hunger and poverty here in New Hampshire. I pray that New Hampshire will be the leader of all the states in providing lunch to all the homeless people demonstrating unconditional empathy and compassion. Community support may be obtained working through the media.*

*Before she was sworn in, she gave me a copy of a letter she sent to Justice Brock. To many people, talking about how the issues affect the low income and those who have different challenges is cumbersome, they do it every once in a while. The very first letter that Bonnie wrote and that she placed on my desk, she was so very proud of it, was to Justice Brock, was a request as an individual member-elect actually, about how she as a legislator could provide affordable housing and help the homeless people.*

*Last week I received a handwritten letter from Bonnie. It was misdirected, the address was wrong on the envelope, so I didn't get it 'til later on. It's in her handwriting and it says "Dear Ray, I have to give up my seat in Ward Three because the cancer has gotten worse. I can no longer go to the State House and I'm homebound now. I miss everyone at the Democratic Party and faithfully watch your show every week. You and Mark do a good show. Please give everyone my love at the State House. Representative Bonnie Patria."*

*I know that so often we talk about a passing member and then move on with our life; but tomorrow (Thursday) evening at 7:00 p.m. your presence would certainly be appreciated. She's not one of a great family or huge amount of support system and she cared for each one of us very, very deeply. I know Rep. Burling announced earlier, but I think it would do all of us a world of good if each and everyone of us went to honor this person who was so proud and cared so much about this legislature.*

*It will be at the Hope Tabernacle Church at 222 Cedar Street in Manchester and I hope to see all of you there tomorrow evening. Thank you.*

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:45 p.m.

**RECESS****(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 13

Thursday, April 19, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator, bless the work of this honorable House to the benefit of Your people, bless us to Thy service and make us ever mindful of the needs of those around us. Amen.

Rep. Goodwin led the Pledge of Allegiance.

Kathleen MacNeil, Heather Fay, Jeff Paveglio and Nick Edes, sophomores from Bow High School, sang our National Anthem.

### LEAVES OF ABSENCE

Reps. Mikowski and Irene Pratt, the day, illness.

Reps. Corbin, Kenney, O'Keefe, and Rozek, the day, important business.

Rep. Solow, the day, illness in the family.

### INTRODUCTION OF GUESTS

Jennifer Goudreau, guest of Rep. Woodward. Jim Dodge, his grandchildren Sarah and James, guests of Rep. Leach. Mary Ella Keith, daughter of Rep. Bowles.

### SPECIAL GUESTS

The Manchester Central High School Boys' Basketball Team, Class L State Champions, guests of the House.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 102, 109 and 113.

Rep. Nowe, Sen. Pignatelli for the Committee

### SPECIAL ORDER

**HB 759-FN-A-L**, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard C. Dickinson for the Majority of Ways and Means: HB 759 would impose a statewide income tax and radically re-structure the state's tax and revenue structure. The majority of the committee believes that the income tax would seriously damage and undermine New Hampshire's economy. The recently released study by Standard & Poor's DRI, "Economic Impact of a New Hampshire Income Tax," concluded that the enactment of a broad-based state income tax would result in nearly 20,000 fewer jobs, a \$3.3 billion annual reduction in disposable personal income, and a sharp decline in home values. The negative impact of an income tax is widespread but particularly hard hitting in manufacturing, business services (including software), financial services, retail and wholesale trade and construction (including home building). The income tax would be grossly unfair to many in our state. It would not allow for the deduction for home mortgage interest or property taxes. It would tax retirement savings for some, but not for others. It would not allow for the deduction of catastrophic medical expenses. It would tax capital gains. Imposition of an income tax would be a risky and radical choice that could very easily cause great damage to the economy of New Hampshire while also imposing great inequities on our residents. This is not the time to raise over 700 million dollars to solve a 100 million-dollar problem. Vote 14-6.

Rep. Susan W. Almy for the Minority of Ways and Means: HB759 as amended, solves our current school and general fund problem for the long term, and is also true tax reform. It undoes most of the tax increases in the stopgap solution passed last time and repeals the Interest & Dividends, Legacy and Succession, and Business Enterprise taxes. It replaces these with a low-rate income tax with exemptions keyed to the cost of basic living expenses (\$11,000 per taxpayer and \$3,000 per dependent). Social security and equivalent pensions are exempt, and a renter's credit gives an equivalent benefit to the homeowners' property tax homestead exemption. The statewide property tax is reduced to \$4.50, and all homes receive a \$150,000 exemption from it; the income tax allows full exemption of the tax on a more expensive home, for those who live and earn in the state. Together, the income tax, the reduced statewide property tax, and sweepstakes fully fund the education trust fund into the foreseeable future. Existing general fund appropriations for education are no longer necessary, relieving us of the threatened general budget deficit. The revenue estimate is based on one of the best micro-simulation models in the country; it assumes zero growth in taxable income during the current year, and considerably less than the state's 30-year average growth rate during the next four years. The bill's plan is doable, sustainable, fair, and good for New Hampshire. Reps. Almy, Rowe and Hager spoke against and yielded to questions.

Reps. Dickinson, Harrington, Itse and Sapareto spoke in favor and yielded to questions.

Rep. Brewster spoke against.

Reps. Furman, Gonzalez, Hopper, Mirski and McRae spoke in favor.

Rep. Camm requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 213 NAYS 171

### YEAS 213

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Salatiello, Thomas
Thomas, John	Wendelboe, Fran		

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith
Torresen, Gary			

#### CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Baroody, Benjamin	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bouldin, Michael	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Duval, Jeffrey	Elliott, Larry



Emerton, Lawrence Sr  
Furman, Christine  
Goulet, Maurice  
Haley, Robert  
Hopper, Gary  
L'Heureux, Robert  
Martel, Andre  
Mercer, Robert  
Pappas, Marc  
Salts, Greg  
Tahir, Saghir  
Vaillancourt, Steve

Fields, Dennis  
Golding, William  
Graham, John  
Hall, Charles  
Jean, Loren  
LaFlamme, Paul  
Martin, Mary Ellen  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Tate, Joan  
Wheeler, Robert

Fletcher, Richard  
Goley, Jeffrey  
Greenberg, Gary  
Herman, Keith  
Kacavas, John  
LaRose, Richard  
McDonough-Wallace, Alice  
Moran, Edward  
Peterson, Andrew  
Shaw, Barbara  
Thompson, Rob  
White, Donald

Flora, Kathleen  
Gonzalez, Carlos  
Guinta, Frank  
Holden, Randolph  
Kurk, Neal  
Lessard, Rudy  
McRae, Karen  
Palangas, Eric  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Hutchinson, John  
Leber, William  
Winter, Steven

Cummings, Raymond  
Kennedy, Richard  
Soltani, Tony

Dunne, Christopher  
L'Heureux, Stephen  
Swindlehurst, John

Hess, David  
Langer, Ray  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Dalrymple, Janeen  
Downing, Michael  
Gilbert, Jeffrey  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Reardon, Neil  
Sloan, Stephen  
Varrell, Thomas  
Woekel, Ralph

Belanger, Ronald  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stone, Joseph  
Welch, David  
Zolla, William

Bishop, Franklin  
Chalbeck, Kevin  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela  
Stritch, C Donald  
Weyler, Kenneth

Bridle, Russell  
Clark, Vivian  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Micklon, Stephanie  
Packard, Sherman  
Putnam, Ed II  
Rausch, James  
Sapareto, Frank  
Trueman, Raymond  
Whittier, John

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Reid, Christopher

Berube, Roger  
Heon, Richard  
Tsiros, William

Bickford, David  
Hughes, Christopher  
Twombly, James

Cossette, Larry  
Lachance, Douglas  
Woods, Phyllis

### SULLIVAN

Odell, Bob

Rodeschin, Beverly

### NAYS 171

### BELKNAP

Johnson, William

Millham, Alida

Pilliod, James

Wood, Jane

### CARROLL

Philbrick, Donald

Quimby, Lee

### CHESHIRE

Allen, Peter  
DePecol, Benjamin  
Meader, David  
Russell, Ronald

Avery, Stephen  
Espiebs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Stohl, Eric		

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda		

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Bellavance, Paul	Buckley, Raymond
Cardin, Lori	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Ford, Nancy	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Gorman, Mary	Hall, Betty	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	McHugh, Claire
Melcher, Harold	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Panagopoulos, Nicholas	Rowe, Robert	Schulze, Joan	Seibel, Christopher
Spiess, Paul	Sweeney, Cynthia	Williams, Carol	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Poulin, David	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Flanagan, Natalie	Gleason, John	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	Langone, John	McGuire, Robert
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Weatherspoon, Jacquelyne	

**STRAFFORD**

Brennan, William	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	McCarthy, Gerald	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizz, James	Robb, Amy

and the majority report was adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it voted **HB 759-FN-A-L**, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education, Inexpedient to Legislate.

Rep. Avery requested a roll call; sufficiently seconded.  
The question being reconsideration.

**YEAS 164 NAYS 220****YEAS 164****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Wood, Jane
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**CARROLL**

Philbrick, Donald	Quimby, Lee
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**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Russell, Ronald	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Rodrigue, Robert
Stohl, Eric			

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda		

**HILLSBOROUGH**

Andosca, Mary	Bellavance, Paul	Buckley, Raymond	Cardin, Lori
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Daigle, Robert	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Gorman, Mary	Hall, Betty
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	McHugh, Claire	Melcher, Harold	Messier, Irene
Movesian, Lori	Panagopoulos, Nicholas	Rowe, Robert	Schulze, Joan
Seibel, Christopher	Shaw, Barbara	Spies, Paul	Sweeney, Cynthia
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Lockwood, Priscilla	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Poulin, David	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Flanagan, Natalie	Gleason, John	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	Langone, John	McGuire, Robert
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Spaine, James	Weatherspoon, Jacquelyne	Whittier, John

**STRAFFORD**

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Grassie, Anne  
Lachance, Douglas  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Callaghan, Frank  
Ferland, Paul  
Johnson, Nancy  
Lent, Donald  
Proulx, Raymond  
Spang, Judith

DeChane, Marlene  
Gilmore, Gary  
Kaen, Naida  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizz, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

**NAYS 220****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Rice, Thomas Jr  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Rosen, Ralph  
Wendelboe, Fran

Czech, Stanley  
Lawton, David  
Russell, David

Dewhirst, Glenn  
Nedeau, Stephen  
Salatiello, Thomas

**CARROLL**

Babson, David Jr  
Mock, Henry  
Torresen, Gary

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Stevens, Stanley

Lyman, L Randy  
Sullivan, P Judith

**CHESHIRE**

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

**COOS**

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Duval, Jeffrey  
Fletcher, Richard  
Goley, Jeffrey  
Greenberg, Gary  
Herman, Keith  
Kacavas, John  
LaRose, Richard  
McDonough-Wallace, Alice  
Moran, Edward  
Pepino, Leo

Alukonis, David  
Balcom, John  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Craig, James  
Elliott, Larry  
Flora, Kathleen  
Gonzalez, Carlos  
Guinta, Frank  
Holden, Randolph  
Kurk, Neal  
Lessard, Rudy  
McRae, Karen  
O'Connell, Timothy  
Peterson, Andrew

Arnold, Thomas Jr  
Baroody, Benjamin  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Desrosiers, William  
Emerton, Lawrence Sr  
Furman, Christine  
Goulet, Maurice  
Haley, Robert  
Hopper, Gary  
L'Heureux, Robert  
Martel, Andre  
Mercer, Robert  
Palangas, Eric  
Reeves, Sandra

Artz, Lawrence  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dionne, Kimberley  
Fields, Dennis  
Golding, William  
Graham, John  
Hall, Charles  
Jean, Loren  
LaFlamme, Paul  
Martin, Mary Ellen  
Milligan, Robert  
Pappas, Marc  
Salts, Greg



Sargent, Maxwell  
Thompson, Rob  
White, Donald

Souza, Kathleen  
Thulander, O Alan

Tahir, Saghir  
Vaillancourt, Steve

Tate, Joan  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Cummings, Raymond  
Hess, David  
L'Heureux, Stephen  
Maxfield, Roy  
Winter, Steven

Dunne, Christopher  
Hutchinson, John  
Langer, Ray  
Soltani, Tony

Fraser, Leo Jr  
Jacobson, Alf  
Leber, William  
Swindlehurst, John

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Dalrymple, Janeen  
Downing, Michael  
Gilbert, Jeffrey  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Reardon, Neil  
Sloan, Stephen  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stone, Joseph  
Welch, David

Bishop, Franklin  
Chalbeck, Kevin  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela  
Stritch, C Donald  
Weyler, Kenneth

Bridle, Russell  
Clark, Vivian  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Micklon, Stephanie  
Packard, Sherman  
Putnam, Ed II  
Rausch, James  
Sapareto, Frank  
Trueman, Raymond  
Woekel, Ralph

### STRAFFORD

Albert, Russell  
Harrington, Michael  
Reid, Christopher

Berube, Roger  
Heon, Richard  
Tsiros, William

Bickford, David  
Hughes, Christopher  
Twombly, James

Cossette, Larry  
Musler, George  
Woods, Phyllis

### SULLIVAN

Odell, Bob  
and reconsideration failed.

### MOTION TO INDEFINITELY POSTPONE

Rep. Mirski moved that **HB 759-FN-A-L**, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education, be indefinitely postponed.

Reps. Hager and Burling spoke against.

Rep. Dickinson spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being Indefinite Postponement.

**YEAS 184 NAYS 201**

### YEAS 184

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Rosen, Ralph

Czech, Stanley  
Lawton, David  
Russell, David

Dewhirst, Glenn  
Nedeau, Stephen  
Thomas, John

### CARROLL

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Stevens, Stanley

Lyman, L Randy  
Sullivan, P Judith

Mock, Henry  
Torresen, Gary

**CHESHIRE**

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

**COOS**

Gallus, John  
Woodward, David

Horton, Lynn

Pratt, Leighton

Troll, John Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Batula, Peter  
Bragdon, Peter  
Christensen, D L Chris  
Craig, James  
Elliott, Larry  
Flora, Kathleen  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Martel, Andre  
Moran, Edward  
Salts, Greg  
Tate, Joan  
White, Donald

Alukonis, David  
Bergeron, Jean-Guy  
Brundige, Robert  
Christiansen, Lars  
Desrosiers, William  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Holden, Randolph  
L'Heureux, Robert  
McRae, Karen  
Pappas, Marc  
Sargent, Maxwell  
Thompson, Rob

Artz, Lawrence  
Bouchard, David  
Bruno, Pierre  
Clegg, Robert Jr  
Dionne, Kimberley  
Fields, Dennis  
Golding, William  
Greenberg, Gary  
Hopper, Gary  
LaRose, Richard  
Mercer, Robert  
Pepino, Leo  
Souza, Kathleen  
Thulander, O Alan

Balboni, Michael  
Bouldin, Michael  
Calawa, Leon Jr  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Fletcher, Richard  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
Lessard, Rudy  
Milligan, Robert  
Reeves, Sandra  
Tahir, Saghir  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Hutchinson, John  
Leber, William  
Winter, Steven

Cummings, Raymond  
Kennedy, Richard  
Soltani, Tony

Dunne, Christopher  
L'Heureux, Stephen  
Swindlehurst, John

Hess, David  
Langer, Ray  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Hill, Jonathan  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Rausch, James  
Sapareto, Frank  
Welch, David

Belanger, Ronald  
Carson, Sharon  
DiFruscia, Anthony  
Flanders, John Sr  
Giordano, Ronald  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Chalbeck, Kevin  
Dodge, Robert  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

Bridle, Russell  
Clark, Vivian  
Dowling, Patricia  
Gilbert, Jeffrey  
Henderson, Warren  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

**STRAFFORD**

Albert, Russell  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

Tsiros, William

**SULLIVAN**

Odell, Bob                      Rodeschin, Beverly

**NAYS 201****BELKNAP**

Johnson, William                      Millham, Alida                      Pilliod, James                      Salatiello, Thomas  
Wood, Jane

**CARROLL**

Babson, David Jr                      Philbrick, Donald                      Quimby, Lee

**CHESHIRE**

Allen, Peter                      Avery, Stephen                      Batchelder, Robert                      Burnham, Daniel  
DePecol, Benjamin                      Espieffs, Peter                      Manning, Joseph                      McGuirk, Paul  
Meador, David                      Mitchell, McKim                      Pratt, John                      Richardson, Barbara  
Russell, Ronald                      Weed, Charles                      Zerba, Roger

**COOS**

Bradley, Paula                      Davis, Perley                      Guay, Lawrence                      Landers, Dana  
Mears, Edgar                      Rodrigue, Robert                      Stohl, Eric

**GRAFTON**

Almy, Susan                      Benn, Bernard                      Cooney, Mary                      Ham, Bonnie  
Lovett, Sid                      Naro, Debra                      Nordgren, Sharon                      Pawlek, Marion  
Scovner, Nancy                      Sokol, Hilda

**HILLSBOROUGH**

Andosca, Mary                      Arnold, Thomas Jr                      Balcom, John                      Baroody, Benjamin  
Bellavance, Paul                      Buckley, Raymond                      Cardin, Lori                      Carlson, Donald  
Chabot, Robert                      Clayton, William                      Clemons, Jane                      Cote, David  
Cote, Peter                      Daigle, Robert                      Dokmo, Cynthia                      Drisko, Richard  
Duval, Jeffrey                      Dwyer, Paul                      Dyer, Merton                      Eaton, Richard  
Ford, Nancy                      Foster, Linda                      Gargasz, Carolyn                      Ginsburg, Ruth  
Goley, Jeffrey                      Gorman, Mary                      Haley, Robert                      Hall, Betty  
Hall, Charles                      Jean, Claudette                      Johnson, Lionel                      Kacavas, John  
Keye, Harvey                      Konys, Christine                      LaFlamme, Paul                      Lasky, Bette  
Leach, Edward                      Lefebvre, Roland                      Leishman, Peter                      Lynde, Harold  
Martin, Mary Ellen                      McDonough-Wallace, Alice                      McHugh, Claire                      Melcher, Harold  
Messier, Irene                      Movsesian, Lori                      O'Connell, Timothy                      Palangas, Eric  
Panagopoulos, Nicholas                      Peterson, Andrew                      Rowe, Robert                      Schulze, Joan  
Seibel, Christopher                      Shaw, Barbara                      Spiess, Paul                      Sweeney, Cynthia  
Wheeler, Robert                      Williams, Carol

**MERRIMACK**

Bouchard, Candace                      Brewster, Richard                      Clarke, Claire                      Colcord, J D  
Crosby, Toni                      Daneault, Gabriel                      Davis, Frank                      Feuerstein, Martin  
Fraser, Leo Jr                      Fraser, Marilyn                      French, Barbara                      Gile, Mary  
Greco, Vincent                      Hager, Elizabeth                      Jacobson, Alf                      Lockwood, Priscilla  
MacKay, James                      Maxfield, Roy                      Moore, Carol                      Owen, Derek  
Perkins, Randy                      Potter, Frances                      Poulin, David                      Reardon, Tara  
Rodd, Beth                      Rush, Deanna                      Seldin, Gloria                      Wallner, Mary Jane  
Whittemore, James                      Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn                      Bowles, Raimond                      Case, Margaret                      Clark, Martha Fuller  
Coes, Betsy                      Cooney, Richard                      Cox, Russell                      Dearborn, Bruce

Downing, Michael  
Johnson, Robert  
Langone, John  
Pantelakos, Laura  
Sloan, Stephen  
Whittier, John

Flanagan, Natalie  
Kane, Cecelia  
McGuire, Robert  
Pitts, Jacqueline  
Splaine, James

Gleason, John  
Kelley, Jane  
Micklon, Stephanie  
Robertson, Carl  
Trueman, Raymond

Hamel, Albert  
Langley, Jane  
Norelli, Terie  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Musler, George  
Reid, Christopher  
Spang, Judith

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Hughes, Christopher  
Lachance, Douglas  
Pelletier, Arthur  
Rollo, Michael  
Taylor, Kathleen

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Johnson, Nancy  
Lent, Donald  
Pelletier, Marsha  
Smith, Marjorie  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
McCarthy, Gerald  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

and the motion to indefinitely postpone failed.

**HB 766-FN-A-L**, establishing a New Hampshire education tax on gross receipts from the consumption of sales of goods and services as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Ways and Means: While many members of the committee remain intrigued with the basic concept of this bill, in its present form, including a last minute amendment that changed many of its provisions and definitions, the majority believed that the consequences of its novel revenue generation scheme were impossible to predict. Department of Revenue Commissioner Stanley Arnold testified that his department could not prepare a fiscal note on either the revenue that the bill could produce, the impact of tax exemptions that the bill's amendment contemplated, or the cost to implement and administer the bill. Even the committee members who voted against the motion of inexpedient to legislate concurred with the majority that the bill should not be adopted in its present form but would require substantial additional analysis and likely revisions in any case. Vote 10-8.

Reps. Ward and Peterson spoke against and yielded to questions.

Reps. Dickinson, Major, Gilbert and Herman spoke in favor.

Rep. John Pratt spoke against.

Rep. Gilbert spoke in favor and yielded to questions.

Rep. Haley requested a roll call; sufficiently seconded.

The question being adoption of the report.

**YEAS 224 NAYS 154**

### YEAS 224

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Thomas, John

Boyce, Laurie  
Lawton, David  
Rice, Thomas Jr  
Wendelboe, Fran

Czech, Stanley  
Millham, Alida  
Rosen, Ralph

Flanders, Donald  
Nedeau, Stephen  
Russell, David

### CARROLL

Dickinson, Howard  
Quimby, Lee

Lyman, L Randy  
Sullivan, P Judith

Mock, Henry

Patten, Betsey

### CHESHIRE

Allen, Peter  
Fairbanks, Chandler  
Smith, Edwin

DePecol, Benjamin  
Hunt, John

Edwards, Dana  
Roberts, William

Espiefs, Peter  
Royce, H Charles



**COOS**

Gallus, John  
Tholl, John Jr

Guay, Lawrence

Horton, Lynn

Mears, Edgar

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Sokol, Hilda

Barker, Robert  
Gabler, William  
Mirski, Paul  
Sova, Charles

Cooney, Mary  
Gilman, G Michael  
Nordgren, Sharon  
Williams, Burton

Dudley, Terri  
Giuda, Robert  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Cote, David  
Drabinowicz, A Theresa  
Fields, Dennis  
Furman, Christine  
Guinta, Frank  
Jean, Loren  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell  
Tahir, Saghir

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Coughlin, Pamela  
Dwyer, Paul  
Fletcher, Richard  
Gonzalez, Carlos  
Herman, Keith  
Kacavas, John  
LaRose, Richard  
Lynde, Harold  
Messier, Irene  
Pepino, Leo  
Seibel, Christopher  
Thulander, O Alan

Balboni, Michael  
Bouchard, David  
Buckley, Raymond  
Clegg, Robert Jr  
Desrosiers, William  
Elliott, Larry  
Flora, Kathleen  
Goulet, Maurice  
Holden, Randolph  
Kony, Christine  
Lasky, Bette  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

Baroody, Benjamin  
Bragdon, Peter  
Calawa, Leon Jr  
Clemons, Jane  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Foster, Linda  
Greenberg, Gary  
Hopper, Gary  
Kurk, Neal  
Leishman, Peter  
McRae, Karen  
Panagopoulos, Nicholas  
Salts, Greg  
Sweeney, Cynthia  
Williams, Carol

**MERRIMACK**

Anderson, Eric  
Fraser, Leo Jr  
Jacobson, Alf  
MacKay, James  
Potter, Frances  
Whalley, Michael

Clarke, Claire  
Hager, Elizabeth  
Kennedy, Richard  
Moore, Carol  
Reardon, Tara  
Whittemore, James

Crosby, Toni  
Hess, David  
L'Heureux, Stephen  
Owen, Derek  
Swindlehurst, John  
Winter, Steven

Dunne, Christopher  
Hutchinson, John  
Leber, William  
Perkins, Randy  
Wallner, Mary Jane

**ROCKINGHAM**

Arndt, Janet  
Carson, Sharon  
Dalrymple, Janeen  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Pantelakos, Laura  
Quandt, Marshall  
Reardon, Neil  
Stritch, C Donald  
Woekel, Ralph

Belanger, Ronald  
Clark, Martha Fuller  
Dearborn, Bruce  
Downing, Michael  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Norelli, Terie  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Varrell, Thomas

Bridle, Russell  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Packard, Sherman  
Priestley, Anne  
Rabideau, Marie  
Sapareto, Frank  
Welch, David

Camm, Kevin  
Coes, Betsy  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Rogers  
Kobel, Rudolph  
Micklon, Stephanie  
Palermo, Diane  
Putnam, Ed II  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Estabrook, Iris  
Johnson, Nancy

Bickford, David  
Grassie, Anne  
Kaen, Naida

Callaghan, Frank  
Harrington, Michael  
Knowles, William

Cossette, Larry  
Hughes, Christopher  
Lachance, Douglas

McCarthy, Gerald  
Rollo, Michael  
Twombly, James

Musler, George  
Smith, Marjorie  
Wall, Janet

Pelletier, Arthur  
Taylor, Kathleen  
Woodill, Rodney

Pelletier, Marsha  
Tsiros, William  
Woods, Phyllis

### **SULLIVAN**

Allison, David  
Odell, Bob

Ferland, Brenda  
Phinizy, James

Harris, Joseph  
Rodeschin, Beverly

Harris, Sandra

### **NAYS 154**

### **BELKNAP**

Dewhirst, Glenn

Johnson, William

Salatiello, Thomas

Wood, Jane

### **CARROLL**

Babson, David Jr

Bradley, Jeb

Philbrick, Donald

Stevens, Stanley

### **CHESHIRE**

Avery, Stephen  
Emerson, Susan  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

Dexter, Judson  
Meador, David  
Russell, Ronald

### **COOS**

Bradley, Paula  
Rodrigue, Robert

Davis, Perley  
Stohl, Eric

Landers, Dana  
Woodward, David

Pratt, Leighton

### **GRAFTON**

Akins, Ralph  
Ham, Bonnie  
Scovner, Nancy

Almy, Susan  
Lovett, Sid  
Teschner, Douglass

Benn, Bernard  
Naro, Debra  
Ward, Brien

Cobb, John  
Pawlek, Marion

### **HILLSBOROUGH**

Allan, Nelson  
Bellavance, Paul  
Christensen, D L Chris  
Daigle, Robert  
Dyer, Merton  
Ginsburg, Ruth  
Graham, John  
Jean, Claudette  
Leach, Edward  
McHugh, Claire  
O'Connell, Timothy  
Schulze, Joan  
Thompson, Rob

Andosca, Mary  
Bergin, Peter  
Clayton, William  
Dionne, Kimberley  
Eaton, Richard  
Golding, William  
Haley, Robert  
Johnson, Lionel  
Lefebvre, Roland  
Melcher, Harold  
Palangas, Eric  
Shaw, Barbara  
Vaillancourt, Steve

Arnold, Thomas Jr  
Cardin, Lori  
Cote, Peter  
Drisko, Richard  
Ford, Nancy  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
Martin, Mary Ellen  
Moran, Edward  
Peterson, Andrew  
Spiess, Paul  
White, Donald

Balcom, John  
Carlson, Donald  
Craig, James  
Duval, Jeffrey  
Gargas, Carolyn  
Gorman, Mary  
Hall, Charles  
LaFlamme, Paul  
McDonough-Wallace, Alice  
Movsesian, Lori  
Rowe, Robert  
Tate, Joan

### **MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Lockwood, Priscilla  
Rush, Deanna

Brewster, Richard  
Davis, Frank  
Gile, Mary  
Maxfield, Roy  
Seldin, Gloria

Colcord, J D  
Feuerstein, Martin  
Greco, Vincent  
Poulin, David  
Yeaton, Charles

Cummings, Raymond  
Fraser, Marilyn  
Langer, Ray  
Rodd, Beth

### **ROCKINGHAM**

Bishop, Franklin  
Chalbeck, Kevin  
Holland, James Jr  
Langley, Jane

Blanchard, MaryAnn  
Cox, Russell  
Johnson, Robert  
Langone, John

Bowles, Raimond  
Flanagan, Natalie  
Kane, Cecelia  
McGuire, Robert

Case, Margaret  
Gleason, John  
Kelley, Jane  
Pitts, Jacqueline

Robertson, Carl  
Splaine, James  
Zolla, William

Ruffner, Walter  
Trueman, Raymond

Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Sloan, Stephen  
Whittier, John

### STRAFFORD

Berube, Roger  
Gilmore, Gary  
Proulx, Raymond

Brennan, William  
Goodwin, Earle  
Reid, Christopher

DeChane, Marlene  
Heon, Richard  
Snyder, Clair

Dunlap, Patricia  
Lent, Donald  
Spang, Judith

### SULLIVAN

Burling, Peter  
Jones, Constance

Cloutier, John  
Leone, Richard

Flint, Gordon Sr  
Robb, Amy

Franklin, Peter

and the report was adopted.

### REGULAR CALENDAR

**HB 451**, establishing a commission to study the impact of pay and benefits for child care workers on the quality of care and education for children. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Laura C. Pantelakos for Children and Family Law: This bill sets up a commission to study all aspects of child care, including pay and health care benefits for child care workers. Creative funding methods will also be explored. Vote 10-5.

#### Amendment (0622h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

Amend the bill by replacing sections 1-4 with the following:

1 Findings. The general court finds that:

I. Quality early learning and care is critical to the well-being of an estimated 48,000 children who need out-of-home care while their parents work.

II. New Hampshire employers are already losing as much as \$24 million per year because of child-care-related absenteeism; continued erosion of affordable, available child care threatens increased harm to the state's economy. A significant part of New Hampshire's labor force is made up of the parents of 74 percent of preschoolers in New Hampshire who require child care to enable them to work.

III. Some of the chief causes of a lack of available child care and poor quality child care are high employee turnover and inexperienced staff, a major cause of which is the fact that as many as 2/3 of child care workers do not have access to affordable health insurance.

IV. Qualified and educated individuals who want to make a professional career in child care are unable to do so because of the low pay and lack of benefits, especially health insurance.

V. The urgency of this crisis requires that a special commission be established that brings the creative forces of business, the executive branch, child care providers and insurance experts to identify and recommend ways by which affordable health insurance can be made available to child care workers in New Hampshire.

2 Commission Established. There is established a commission to study the impact of pay and benefits for child care workers on quality of care for children.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the president of the senate.

(c) The governor or designee.

(d) The commissioner of insurance or designee.

(e) Two representatives from the department of health and human services, one of whom shall be from the child development bureau and the other from the division of family assistance, appointed by the commissioner of health and human services.

(f) The commissioner of education, or designee.

(g) A representative from New Hampshire Business Partners for Early Learning, selected by that organization.

(h) A representative from the University of New Hampshire knowledgeable in research related to the quality of child care programs, selected by the chancellor of the university.

(i) A representative from the New Hampshire Child Care Association representing non-profit child care providers, selected by that association.

(j) A representative from the New Hampshire Family Child Care Association, selected by that association.

(k) A representative of private child care centers, appointed by the governor.

(l) A representative of New Hampshire Child Care Resource and Referral Network, selected by that organization.

(m) An individual who is a parent of a child in an early care and learning program, appointed by the governor.

(n) A representative from the New Hampshire Child Care Advisory Council, appointed by that body.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission. Lay members of the commission shall not be reimbursed for their participation. However, the commission may accept private contributions to support its work.

#### 4 Duties. The commission shall:

I. Investigate creative ways in which to make affordable health insurance available to all persons providing child care services to children and families in New Hampshire.

II. Investigate the experiences in other states with programs designed to improve pay and benefits of child care providers to ascertain whether these programs have led to an improvement in the quality and availability of child care in those states.

III. Monitor any private or other initiatives undertaken in New Hampshire which address pay and benefits to ascertain the impact on the quality of care for children, paying particular attention to issues of turnover and continuity of care experienced by children.

IV. Consider new and innovative funding methods for accomplishing any recommendations of the commission.

V. Hold at least 2 public hearings.

### AMENDED ANALYSIS

This bill establishes a commission to issues regarding the pay and benefits of child care providers, including creative ways in which to make affordable health insurance available to persons providing child care services to children and families in New Hampshire.

Adopted.

Report adopted and ordered to third reading.

**HB 229**, relative to third person liability under the workers' compensation law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leo W. Fraser, Jr. for the Majority of Commerce: The majority of the committee believes that uninsured motorist coverage was never intended to apply to claims under the workers' compensation law. This bill was introduced in response to a New Hampshire Supreme Court decision that permitted a worker's compensation claimant to collect under her uninsured motorist policy. The majority of the committee is concerned about the long-term effects of this decision, such as further claims against uninsured motorist policies and an increase to auto insurance rates as a result of this new exposure to risk. Rate increases would be felt by all auto insurance policy holders while this new and unintended benefit would effect very few people. The intent of this bill is to close a loophole in the law because it is bad public policy to cost shift work-related injuries to auto insurance policies similar to the current law banning the use of health insurance for work-related injuries. The provisions of HB 229 were adopted by the House in the 2000 Session with the passage of HB 1241 on a roll call vote of 216-131. Vote 9-6.

Rep. Martha Fuller Clark for the Minority of Commerce: The minority of the committee believes that the current law, which allows for a person who is injured in an auto during working hours to seek full insurance protection against an underinsured or uninsured motorist, to be a good law, and one that should be left intact. Why should we do away with a positive benefit that has not been



abused and that potentially covers an injured worker for 100% of his or her medical expenses, plus pain and suffering? The minority of the committee cannot support passage of HB 229 which would substitute workers' compensation that only pays medical expenses plus 60% of the worker's income. Rep. Craig spoke against.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Kurk requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 221 NAYS 150

### YEAS 221

#### BELKNAP

Bartlett, Gordon	Czech, Stanley	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith		

#### CHESHIRE

Avery, Stephen	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Manning, Joseph	Roberts, William	Royce, H Charles
Russell, Ronald	Smith, Edwin		

#### COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Stohl, Eric	Tholl, John Jr		

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Ham, Bonnie	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Teschner, Douglass	Ward, Brian
Williams, Burton			

#### HILLSBOROUGH

Alukonis, David	Artz, Lawrence	Balboni, Michael	Balcom, John
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Desrosiers, William	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Furman, Christine	Gargas, Carolyn	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Leishman, Peter	Lessard, Rudy
Martel, Andre	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Salts, Greg
Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen	Spiess, Paul
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	

**MERRIMACK**

Anderson, Eric  
Davis, Frank  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Whittemore, James

Brewster, Richard  
Dunne, Christopher  
Hutchinson, John  
Leber, William  
Moore, Carol  
Winter, Steven

Colcord, J D  
Feuerstein, Martin  
Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

Cummings, Raymond  
Fraser, Leo Jr  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Clark, Vivian  
Dowling, Patricia  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Langley, Jane  
McKinney, Betsy  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Welch, David

Belanger, Ronald  
Carson, Sharon  
Cox, Russell  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Langone, John  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Sloan, Stephen  
Woekel, Ralph

Bowles, Raimond  
Case, Margaret  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Packard, Sherman  
Putnam, Ed II  
Robertson, Carl  
Stone, Joseph  
Zolla, William

Bridle, Russell  
Chalbeck, Kevin  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
Major, Norman  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas

**STRAFFORD**

Albert, Russell  
Harrington, Michael  
Musler, George  
Woods, Phyllis

Bickford, David  
Kaen, Naida  
Reid, Christopher

Callaghan, Frank  
Knowles, William  
Tsiros, William

Dunlap, Patricia  
Lachance, Douglas  
Twombly, James

Flint, Gordon Sr  
Phinizy, James

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

Odell, Bob

**NAYS 150****BELKNAP**

Boyce, Laurie

Salatiello, Thomas

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
Mitchell, McKim  
Zerba, Roger

Batchelder, Robert  
Espieffs, Peter  
Pratt, John

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

DePecol, Benjamin  
Meador, David  
Weed, Charles

**COOS**

Bradley, Paula  
Rodrigue, Robert

Guay, Lawrence

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon

Cooney, Mary  
Pawlek, Marion

Lovett, Sid  
Scovner, Nancy

**HILLSBOROUGH**

Allan, Nelson  
Bellavance, Paul

Andosca, Mary  
Buckley, Raymond

Arnold, Thomas Jr  
Cardin, Lori

Baroody, Benjamin  
Carlson, Donald

Clayton, William  
 Craig, James  
 Duval, Jeffrey  
 Ford, Nancy  
 Gorman, Mary  
 Johnson, Lionel  
 Lasky, Bette  
 McHugh, Claire  
 Panagopoulos, Nicholas  
 Sweeney, Cynthia

Clemons, Jane  
 Daigle, Robert  
 Dwyer, Paul  
 Foster, Linda  
 Haley, Robert  
 Kacavas, John  
 Lynde, Harold  
 Melcher, Harold  
 Rowe, Robert  
 Williams, Carol

Cote, David  
 Dionne, Kimberley  
 Eaton, Richard  
 Ginsburg, Ruth  
 Hall, Betty  
 Keye, Harvey  
 Martin, Mary Ellen  
 Movsesian, Lori  
 Schulze, Joan

Cote, Peter  
 Drabinowicz, A Theresa  
 Flora, Kathleen  
 Goley, Jeffrey  
 Jean, Claudette  
 Konys, Christine  
 McDonough-Wallace, Alice  
 Palangas, Eric  
 Shaw, Barbara

### MERRIMACK

Bouchard, Candace  
 French, Barbara  
 Jacobson, Alf  
 Poulin, David  
 Seldin, Gloria

Clarke, Claire  
 Gile, Mary  
 Owen, Derek  
 Reardon, Tara  
 Wallner, Mary Jane

Daneault, Gabriel  
 Greco, Vincent  
 Perkins, Randy  
 Rodd, Beth  
 Yeaton, Charles

Fraser, Marilyn  
 Hess, David  
 Potter, Frances  
 Rush, Deanna

### ROCKINGHAM

Bishop, Franklin  
 DiFruscia, Anthony  
 Kane, Cecelia  
 Micklon, Stephanie  
 Reardon, Neil  
 Stritch, C Donald  
 Whittier, John

Blanchard, MaryAnn  
 Downing, Michael  
 Kelley, Jane  
 Norelli, Terie  
 Sapareto, Frank  
 Trueman, Raymond

Clark, Martha Fuller  
 Hutchinson, Karen  
 Kobel, Rudolph  
 Pantelakos, Laura  
 Shultis, Elizabeth  
 Weatherspoon, Jacquelyne

Coes, Betsy  
 Johnson, Robert  
 McGuire, Robert  
 Pitts, Jacqueline  
 Splaine, James  
 Weyler, Kenneth

### STRAFFORD

Berube, Roger  
 Estabrook, Iris  
 Heon, Richard  
 McCarthy, Gerald  
 Rollo, Michael  
 Wall, Janet

Brennan, William  
 Gilmore, Gary  
 Hughes, Christopher  
 Pelletier, Arthur  
 Smith, Marjorie  
 Woodill, Rodney

Cossette, Larry  
 Goodwin, Earle  
 Johnson, Nancy  
 Pelletier, Marsha  
 Snyder, Clair

DeChane, Marlene  
 Grassie, Anne  
 Lent, Donald  
 Proulx, Raymond  
 Taylor, Kathleen

### SULLIVAN

Allison, David  
 Franklin, Peter

Burling, Peter  
 Harris, Joseph

Cloutier, John  
 Harris, Sandra

Ferland, Brenda  
 Robb, Amy

and the majority report was adopted.  
 Ordered to third reading.

### **HB 488, relative to the confidentiality of patient prescription records. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: One of the most complex and difficult issues facing the New Hampshire General Court is privacy. Some problems include the current regulations promulgated by HIPPA (The Health Insurance Portability and Accountability Act of 1996) and the Gramm-Leach-Bliley Act of 1999 (GLBA). Even if laws are put on the books this year (such as HB 690 as amended), in the eyes of the committee, privacy will continue to be a major issue in the years to come. In order to have a method of review in place, the committee amended the context of the original HB 488 and with the support of the sponsor, set up a task force to continue a study of both GLBA and HIPPA. Vote 11-3.

#### **Amendment (0875h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a task force to study certain issues regarding privacy.

Amend the bill by replacing all after the enacting clause with the following:

1 Task Force Established. There is established a privacy task force to study privacy issues as they pertain to federal law including, but not limited to, the Health Insurance Portability and Accountability Act of 1966 (HIPAA) and the Gramm-Leach-Bliley Act of 1999 (GLBA) and existing state laws relative to privacy issues.

## 2 Membership and Compensation.

### I. The members of the task force shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) The insurance commissioner, or designee.
- (d) The secretary of state, or designee.
- (e) The bank commissioner, or designee.
- (f) The commissioner of the department of safety, or designee.
- (g) The commissioner of the department of health and human services, or designee.
- (h) The commissioner of the department of administrative services, or designee.
- (i) The commissioner of the department of revenue administration, or designee.
- (j) The commissioner of the department of employment security, or designee.
- (k) One representative of each of the following industries, appointed by the governor:
  - (1) Banking.
  - (2) Insurance.
  - (3) Securities.
  - (4) Real estate.
  - (5) Financial service providers.
  - (6) Hospitals.
  - (7) Physicians.
  - (8) Retail pharmacists.
  - (9) Other health care providers.
- (l) Five members of the general public, appointed by the governor.

II. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

3 Duties. The task force shall study privacy issues as they pertain to federal law including, but not limited to, the privacy provisions of the Health Insurance Portability and Accountability Act of 1966 (HIPAA) and the Gramm-Leach-Bliley Act of 1999 (GLBA). The task force shall also include in its study a review of existing state laws relative to privacy issues.

4 Chairperson; Quorum. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named house member. The first meeting of the task force shall be held within 45 days of the effective date of this section. Eleven members of the task force shall constitute a quorum.

5 Report. The task force shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002, provided that the committee shall make an interim report on or before November 1, 2001.

6 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a task force to study privacy issues as they pertain to federal law and existing state laws relative to privacy issues.

Adopted.

Report adopted and ordered to third reading.

**HB 564**, requiring insurance coverage for certified midwives. **INEXPEDIENT TO LEGISLATE** Rep. Leo W. Fraser, Jr. for Commerce: In the public hearing this bill generated many questions and concerns. To require this insurance mandate would entail many changes in the certification requirements that would make what is now a somewhat affordable option, less affordable. Given that there is at least one insurance company that does reimburse certified midwives, the committee believes that more insurance companies will find that the use of certified midwives is a positive option that should be paid for. The sponsors and co-sponsors both requested the Commerce Committee vote this bill as Inexpedient to Legislate. Vote 13-1.

Adopted.

**HB 595**, relative to single producer licensing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser for Commerce: This legislation was introduced at the request of the Insurance Department. In 2000, the legislature adopted a law requiring insurance agents to be licensed as single



producers. The original bill clarifies some of the provisions of last year's law. The amendment to HB 595 exempts law firms acting as an agent of a title insurance company from the licensing requirements of the law. Individual attorneys, however, must be licensed agents. Vote 13-1.

#### **Amendment (0859h)**

Amend the bill by replacing all after section 12 with the following:

13 New Paragraph; Applicability. Amend RSA 416-A:15 by inserting after paragraph IV the following new paragraph:

V. Nothing herein shall be construed to require the licensing of a law firm acting as agent of a title insurance company; provided that any sale, solicitation, or negotiation of a contract of title insurance is conducted by a duly licensed title insurance producer.

14 Repeal. RSA 408:49, relative to renewal for agent, is repealed.

15 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

#### **HB 687-FN, relative to labeling requirements of genetically engineered foods. INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: Mandatory labeling requirements for perceived problems are not required by the Food and Drug Administration (FDA). They have, however, provided guidance for industry bulletins on voluntary labeling indicating whether foods have or have not been developed using bioengineering. The New Hampshire Farm Bureau and the New Hampshire Grocers' Association opposed the bill. An average supermarket has over 30,000 new food products each year. If this bill were enacted, somewhere near two thirds of all these products would have to be specially labeled. The committee felt that this legislation was not necessary. Vote 12-3.

Adopted.

### **SENATE MESSAGE**

#### **REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission. (Amendment printed SJ 04/12/01)

Rep. Jeb Bradley moved that the House concur, spoke in favor and yielded to questions.

#### **MOTION TO LAY ON THE TABLE**

Rep. Wendelboe moved that the motion to concur with the Senate amendment to **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission, be laid on the table. On a division vote, 59 members having voted in the affirmative and 309 in the negative, the motion failed.

The question now being the adoption of the motion to concur with the Senate amendment to **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission. On a division vote, 334 members having voted in the affirmative and 34 in the negative, the motion was adopted.

### **SUSPENSION OF RULES**

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit the deadline for the House to act on all House FN bills and budgets and for committees to report lists of retained House bills to be moved to Thursday, April 26<sup>th</sup>.

Adopted by the necessary two-thirds.

### **SPECIAL ORDER**

Rep. Scanlan moved that the remainder of today's calendar be Special Ordered to Wednesday, April 25<sup>th</sup>, 2001 at 1:00 p.m.

### **RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third

time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 25, 2001 at 1:00 p.m.

### LATE SESSION

#### Third reading and final passage

**HB 451**, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

**HB 229**, relative to third person liability under the workers' compensation law.

**HB 488**, establishing a task force to study certain issues regarding privacy.

**HB 595**, relative to single producer licensing.

### UNANIMOUS CONSENT

Rep. Vaillancourt requested unanimous consent to address the House.

Rep. Teschner moved that Rep. Vaillancourt's remarks be printed in the Journal.

Without objection, the Speaker ordered the remarks be printed.

### REMARKS

Rep. Vaillancourt: Thank you, Mr. Speaker, it will relatively painless. It's been a hectic couple of days and for some of us it's been a sad couple of weeks. We heard this morning of the passing of Governor Thomson and of the passing of our colleague, Rep. Bonnie Patria. Two weeks ago, I wanted to get up and note another passing and mark it in this House. After we had completed the debate on the death penalty, I went to lunch that day and I picked up the newspaper and read of the death of Dr. Harold E. Hyde who was President of Plymouth State College for 27 years throughout most of the 50's, the 60's and the 70's, including the glorious years when I was there — some of the happiest times of my life.

Dr. Hyde was truly a master builder in that we added such dormitories as Blair and Grafton, and Smith and Belknap, and Pemmi (Pemigewasset) and other buildings such as Prospect and Spear and the fieldhouse and the College Union building during his tenure there. When I was a lonely freshman, lowly freshman, I remember being summoned to his house, lowly and lonely, I guess. He used to have various students come in to talk with him on a regular basis. I remember one of the questions that was on his mind back then, this was in the early 70's during the Nixon years, was, "What is the purpose of this institution, this college, this university, this body of higher learning?" One of the reasons he gave as the being of Plymouth State College or any other institution was to preserve itself. As an ambitious idealist back then, I thought, "Well, that's not perhaps the most gratifying reason for existing." But during times when it was difficult for the University System to get funding from this body, Dr. Hyde was there preserving Plymouth State College and making it a better institution.

But he was more than a master builder, he was also a master educator and also a master administrator who brought professors from all over the world to Plymouth which made our experience there more rewarding. Such people as Dr. Manuel Marquez-Sterling who came from Cuba, his father was a Cuban refugee, Dr. John Allen from England, and Mr. Khuan Chong from Malaysia. Wonderful people who came to educate us in a great experience fostered by this great man.

I feel convinced when the history of the education of the State of New Hampshire is written, Dr. Harold E. Hyde will play a prominent role near the top of that history. He's touched the lives of many of us here. I for one am a better person because of Dr. Harold E. Hyde and I ask you to join me in noting his passing and his years of service to this college institution of Plymouth State and to the State of New Hampshire. Thank you.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:30 p.m.

RECESS

(Rep. Whalley in the Chair)

## SENATE MESSAGE

### CONCURRENCES

**HB 121**, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens.

**HB 236**, relative to the registration of deer.

**HB 242**, extending the reporting deadlines for certain study committees and commissions.

**HB 263**, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk.

**HB 395**, relative to the time for the first meeting for county conventions following election.

**HB 480**, relative to the divisions within the department of resources and economic development.

**HJR 3**, encouraging the preservation of the system of locks on the Merrimack river.

### RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 45, 83, 148, 155 and 193 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 45**, relative to the legislative oversight committee on electric utility restructuring. (Science, Technology and Energy)

**SB 83**, relative to the New Hampshire film and television commission. (Commerce)

**SB 148**, relative to certain penalties for violations of the youth tobacco laws. (Commerce)

**SB 155-L**, limiting the liability of teachers and other educational employees. (Judiciary)

**SB 193-FN-A-L**, relative to changes in the property tax system and making an appropriation therefor. (Municipal and County Government)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 118, 125, 228, 254 and House Joint Resolution 1.

Rep. Nowe, Sen. Pignatelli for the Committee

### RECESS

(Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

# HOUSE JOURNAL No. 14

Wednesday, April 25, 2001

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Graceful Creator, we ask Your blessing upon the work of the honorable House as members seek a just and equitable method of collecting revenues necessary to support the health, safety and welfare of all the citizens of our beloved New Hampshire. May all who labor in this process be given patience and wisdom to find an outcome that is worthy of the values we share as free citizens and make us ever mindful that we are to care for our neighbors as we care for ourselves. Amen.

Rep. Patten led the Pledge of Allegiance.

Rosalie Garlow, an eighth grade student from Hopkinton High School, sang our National Anthem.

## LEAVES OF ABSENCE

Reps. Barker, Cardin, Crosby, DePecol, Landers, Mikowski, Irene Pratt and Tate, the day, illness. Reps. Albert, Nelson Allan, Balcom, Bergin, Bouldin, Bragdon, Bridle, Burling, Carson, Case, Dowling, Leo Fraser, Jeff Gilbert, Griffin, Introne, Jane Kelley, Martel, O'Keefe, Pantelakos, Peterson, Quimby, Rozek, Seibel, Ed Smith, Spiess, John White and Jane Wood, the day, important business.

Rep. Robertson, the day, death in the family.

Rep. DeChane, Musler, Proulx, Solow and Ward, the day, illness in the family.

## INTRODUCTION OF GUESTS

Jane, Caitlin and Alexis Donahue, guests of Rep. Marilyn Fraser. Kenneth and Ethan Arndt, husband and son of Rep. Arndt. Emma Sloan, daughter of Rep. Sloan. Katie Adams, guest of Rep. Micklon.

## MOTION TO VACATE

Rep. Mock moved that the House vacate the reference of **SB 124**, relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county, to the Committee on Judiciary.

Adopted and referred to the Committee on Children and Family Law.

## RECONSIDERATION

Having voted with the prevailing side, Rep. William Kelley moved that the House reconsider its action whereby it passed **HB 229**, relative to third person liability under the workers' compensation law.

Rep. DiFruscia spoke in favor.

Rep. Hunt spoke against.

Rep. Craig spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being reconsideration.

**YEAS 137 NAYS 184**

**YEAS 137**

**BELKNAP**

Johnson, William

Millham, Alida

Pilliod, James

**CARROLL**

Sullivan, P Judith



**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Zerba, Roger

Batchelder, Robert  
Manning, Joseph  
Pratt, John

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

Dexter, Judson  
Meador, David  
Weed, Charles

**COOS**

Davis, Perley

Mears, Edgar

**GRAFTON**

Almy, Susan  
Nordgren, Sharon

Benn, Bernard  
Pawlek, Marion

Cooney, Mary  
Scovner, Nancy

Naro, Debra  
Sokol, Hilda

**HILLSBOROUGH**

Andosca, Mary  
Clayton, William  
Craig, James  
Dwyer, Paul  
Ginsburg, Ruth  
Kacavas, John  
Martin, Mary Ellen  
Messier, Irene  
Schulze, Joan

Arnold, Thomas Jr  
Clemons, Jane  
Daigle, Robert  
Eaton, Richard  
Goley, Jeffrey  
Keye, Harvey  
McDonough-Wallace, Alice  
Movsesian, Lori  
Sweeney, Cynthia

Bellavance, Paul  
Cote, David  
Drabinowicz, A Theresa  
Ford, Nancy  
Gorman, Mary  
Konys, Christine  
McHugh, Claire  
Palangas, Eric  
Vaillancourt, Steve

Buckley, Raymond  
Cote, Peter  
Duval, Jeffrey  
Foster, Linda  
Hall, Betty  
Lynde, Harold  
Melcher, Harold  
Panagopoulos, Nicholas  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Dunne, Christopher  
Greco, Vincent  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
Fraser, Marilyn  
Hess, David  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Davis, Frank  
Gile, Mary  
L'Heureux, Stephen  
Potter, Frances  
Seldin, Gloria

**ROCKINGHAM**

Bishop, Franklin  
Dodge, Robert  
Johnson, Robert  
Micklon, Stephanie  
Quandt, Matthew  
Trueman, Raymond

Clark, Martha Fuller  
Downing, Michael  
Kane, Cecelia  
Norelli, Terie  
Reardon, Neil  
Weatherspoon, Jacquelyne

Coes, Betsy  
Gilbert, Karl  
Kelley, William  
Pitts, Jacqueline  
Shultis, Elizabeth  
Weyler, Kenneth

DiFruscia, Anthony  
Hutchinson, Karen  
McGuire, Robert  
Quandt, Marshall  
Splaine, James  
Whittier, John

**STRAFFORD**

Berube, Roger  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Marsha  
Taylor, Kathleen

Brennan, William  
Grassie, Anne  
Kaen, Naida  
Rollo, Michael  
Wall, Janet

Estabrook, Iris  
Heon, Richard  
McCarthy, Gerald  
Smith, Marjorie  
Woodill, Rodney

Ferland, Paul  
Hughes, Christopher  
Pelletier, Arthur  
Snyder, Clair

**SULLIVAN**

Allison, David  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinzy, James

Franklin, Peter  
Robb, Amy

**NAYS 184****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Rosen, Ralph

Czech, Stanley  
Lawton, David  
Russell, David

Dewhirst, Glenn  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Russell, Ronald

Hunt, John

**COOS**

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

**GRAFTON**

Alger, John  
Gilman, G Michael  
Mirski, Paul  
Williams, Burton

Cobb, John  
Giuda, Robert  
Scanlan, David

Dudley, Terri  
Lovett, Sid  
Sova, Charles

Gabler, William  
Marshall, Gene  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thulander, O Alan

Artz, Lawrence  
Bouchard, David  
Carlson, Donald  
Clegg, Robert Jr  
Dokmo, Cynthia  
Fields, Dennis  
Gargas, Carolyn  
Greenberg, Gary  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
Moran, Edward  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

Balboni, Michael  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Drisko, Richard  
Fletcher, Richard  
Golding, William  
Guinta, Frank  
Hopper, Gary  
L'Heureux, Robert  
Leishman, Peter  
O'Connell, Timothy  
Rowe, Robert  
Tahir, Saghir  
White, Donald

Batula, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Elliott, Larry  
Flora, Kathleen  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaFlamme, Paul  
Lessard, Rudy  
Pappas, Marc  
Salts, Greg  
Thompson, Rob

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Leber, William  
Swindlehurst, John

Brewster, Richard  
Hager, Elizabeth  
Lockwood, Priscilla  
Whalley, Michael

Colcord, J D  
Kennedy, Richard  
MacKay, James  
Winter, Steven

Cummings, Raymond  
Langer, Ray  
Poulin, David

**ROCKINGHAM**

Arndt, Janet  
Chalbeck, Kevin  
Dearborn, Bruce  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Langone, John  
Moore, Benjamin  
Palermo, Diane  
Rausch, James  
Sloan, Stephen  
Welch, David

Belanger, Ronald  
Clark, Vivian  
Fesh, Bob  
Giordano, Ronald  
Hill, Jonathan  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Ruffner, Walter  
Stone, Joseph  
Zolla, William

Bowles, Raimond  
Cox, Russell  
Flanagan, Natalie  
Gleason, John  
Holland, James Jr  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Saia, Pamela  
Stritch, C Donald

Camm, Kevin  
Dalrymple, Janeen  
Flanders, John Sr  
Hamel, Albert  
Johnson, Rogers  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas

**STRAFFORD**

Bickford, David  
Harrington, Michael  
Twombly, James

Callaghan, Frank  
Knowles, William  
Woods, Phyllis

Cossette, Larry  
Reid, Christopher

Dunlap, Patricia  
Tsiros, William

**SULLIVAN**

Flint, Gordon Sr  
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

and reconsideration failed.

**COMMITTEE REPORTS****SPECIAL ORDERS REGULAR CALENDAR-PART II**

**HB 319-FN**, including a fetus in the definition of "another" for the purpose of negligent homicide.  
**INEXPEDIENT TO LEGISLATE**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: While the committee recognizes the importance of having criminal laws that punish violence against pregnant women, NH law already provides a separate and distinct offense for a violent act against a pregnant woman which results in the death of a fetus. Current law makes this a Class A or Class B felony, punishable by up to 15 years incarceration (RSA 631:1 and 631:2). The proposed law does not clearly define the term fetus, nor does it make clear at what stage of pregnancy a prosecution could occur. The majority of the committee felt these significant flaws would present problems with enforcement and would invite constitutional challenges – while providing nothing better to protect pregnant women from violence. Vote 12-2.

Reps. Souza, Pepino and Giuda spoke against.

Rep. Rodd spoke in favor.

Rep. Knowles spoke in favor and yielded to questions.

Rep. Souza requested a roll call; sufficiently seconded.

The question being adoption of the report.

**YEAS 278 NAYS 47****YEAS 278****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Nedeau, Stephen  
Salatiello, Thomas

Czech, Stanley  
Johnson, William  
Pilliod, James  
Thomas, John

Dewhirst, Glenn  
Lawton, David  
Rice, Thomas Jr

Flanders, Donald  
Millham, Alida  
Russell, David

**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Lyman, L Randy  
Stevens, Stanley

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
Hunt, John  
Mitchell, McKim  
Royce, H Charles

Avery, Stephen  
Emerson, Susan  
Manning, Joseph  
Pratt, John  
Russell, Ronald

Batchelder, Robert  
Espiefs, Peter  
McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

Burnham, Daniel  
Fairbanks, Chandler  
Meador, David  
Roberts, William  
Zerba, Roger

**COOS**

Bradley, Paula  
Horton, Lynn  
Tholl, John Jr

Davis, Perley  
Mears, Edgar  
Woodward, David

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Rodrigue, Robert

**GRAFTON**

Alger, John  
Dudley, Terri

Almy, Susan  
Eaton, Stephanie

Benn, Bernard  
Lovett, Sid

Cooney, Mary  
Marshall, Gene

Naro, Debra  
Scovner, Nancy

Nordgren, Sharon  
Sokol, Hilda

Pawlek, Marion  
Teschner, Douglass

Scanlan, David  
Williams, Burton

### HILLSBOROUGH

Alukonis, David  
Batula, Peter  
Buckley, Raymond  
Christensen, D L Chris  
Cote, David  
Daigle, Robert  
Duval, Jeffrey  
Fields, Dennis  
Foster, Linda  
Golding, William  
Graham, John  
Hall, Charles  
Johnson, Lionel  
LaFlamme, Paul  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Milligan, Robert  
Palangas, Eric  
Sargent, Maxwell  
Wheeler, Robert

Andosca, Mary  
Bellavance, Paul  
Calawa, Leon Jr  
Christiansen, Lars  
Cote, Peter  
Dionne, Kimberley  
Dwyer, Paul  
Fletcher, Richard  
Furman, Christine  
Goley, Jeffrey  
Greenberg, Gary  
Herman, Keith  
Kacavas, John  
LaRose, Richard  
Leishman, Peter  
Melcher, Harold  
Moran, Edward  
Panagopoulos, Nicholas  
Schulze, Joan  
White, Donald

Arnold, Thomas Jr  
Bouchard, David  
Carlson, Donald  
Clayton, William  
Coughlin, Pamela  
Dokmo, Cynthia  
Eaton, Richard  
Flora, Kathleen  
Gargasch, Carolyn  
Gorman, Mary  
Guinta, Frank  
Holden, Randolph  
Keye, Harvey  
Lasky, Bette  
Lessard, Rudy  
Mercer, Robert  
Movsesian, Lori  
Reeves, Sandra  
Sweeney, Cynthia  
Williams, Carol

Artz, Lawrence  
Brundige, Robert  
Chabot, Robert  
Clemons, Jane  
Craig, James  
Drisko, Richard  
Elliott, Larry  
Ford, Nancy  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Betty  
Jean, Loren  
Konys, Christine  
Leach, Edward  
Lynde, Harold  
Messier, Irene  
O'Connell, Timothy  
Rowe, Robert  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Cummings, Raymond  
Feuerstein, Martin  
Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Potter, Frances  
Rush, Deanna  
Whalley, Michael

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Moore, Carol  
Poulin, David  
Seldin, Gloria  
Whittemore, James

Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Leber, William  
Owen, Derek  
Reardon, Tara  
Swindlehurst, John  
Winter, Steven

Colcord, J D  
Dunne, Christopher  
Greco, Vincent  
Kennedy, Richard  
Lockwood, Priscilla  
Perkins, Randy  
Rodd, Beth  
Wallner, Mary Jane  
Yeaton, Charles

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Holland, James Jr  
Katsakiores, George  
Langley, Jane  
McGuire, Robert  
Norelli, Terie  
Quandt, Matthew  
Shultis, Elizabeth  
Trueman, Raymond  
Whittier, John

Belanger, Ronald  
Clark, Martha Fuller  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl  
Hutchinson, Karen  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Rausch, James  
Sloan, Stephen  
Varrell, Thomas  
Woekel, Ralph

Bishop, Franklin  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Giordano, Ronald  
Johnson, Robert  
Kelley, William  
Letourneau, Robert  
Micklon, Stephanie  
Priestley, Anne  
Reardon, Neil  
Splaine, James  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Coes, Betsy  
Dodge, Robert  
Flanders, John Sr  
Gleason, John  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Quandt, Marshall  
Saia, Pamela  
Stitch, C Donald  
Welch, David

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Grassie, Anne  
Johnson, Nancy

Bickford, David  
Estabrook, Iris  
Harrington, Michael  
Kaen, Naida

Brennan, William  
Ferland, Paul  
Heon, Richard  
Knowles, William

Cossette, Larry  
Goodwin, Earle  
Hughes, Christopher  
Lent, Donald



McCarthy, Gerald  
Rollo, Michael  
Tsiros, William

Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Reid, Christopher  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Franklin, Peter  
Leone, Richard  
Rodeschin, Beverly

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

### NAYS 47

### BELKNAP

Boyce, Laurie

Rosen, Ralph

Wendelboe, Fran

### CARROLL

Kenney, Joseph

### CHESHIRE

None

### COOS

Stohl, Eric

### GRAFTON

Cobb, John  
Mirski, Paul

Gabler, William  
Sova, Charles

Gilman, G Michael

Giuda, Robert

### HILLSBOROUGH

Balboni, Michael  
Desrosiers, William  
McHugh, Claire  
Salts, Greg  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Drabinowicz, A Theresa  
McRae, Karen  
Souza, Kathleen

Bruno, Pierre  
Hopper, Gary  
Pappas, Marc  
Tahir, Saghir

Clegg, Robert Jr  
L'Heureux, Robert  
Pepino, Leo  
Thompson, Rob

### MERRIMACK

Brewster, Richard

### ROCKINGHAM

Chalbeck, Kevin  
Hill, Jonathan  
Packard, Sherman  
Ruffner, Walter

DiFruscia, Anthony  
Itse, Daniel  
Palermo, Diane  
Sapareto, Frank

Hamel, Albert  
Johnson, Rogers  
Power, Lucille  
Zolla, William

Henderson, Warren  
Moore, Benjamin  
Putnam, Ed II

### STRAFFORD

Callaghan, Frank

Twombly, James

Woods, Phyllis

### SULLIVAN

None

and the report was adopted.

Rep. Stone did not vote and wished to be recorded in favor.

### **HB 545-FN, establishing the railroad trespass prevention act. OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The committee listened to numerous objections by sportsmen and hunters to HB 545 as it would have subjected them to misdemeanor penalties for crossing rail lines. The amended HB 545 repeals RSA 381:14, relative to criminal trespass on railroad property, and amends RSA 635 to include trespass on railroad property, a violation with a graduated fine schedule: first offense up to a \$100 dollar fine, second offense up to a \$500 fine, and third offense up to a \$1,000 fine, and removes abandoned right of way from the law. It is currently a violation to trespass on railroad property including abandoned right of way. It additionally creates the new section RSA 635:10 Railroad Stowaway. The committee felt with its

15-2 vote that with the advent of high speed rail and the reduction of noise created by the modern trains that it is important to prevent fatal railroad accidents without subjecting the public to a misdemeanor record and the possibility of a jail term. The railroad testified that the intent of this legislation is to promote and increase safety, not to harass the solitary hunter/sportsman in the wilds of New Hampshire pursuing a recreational pastime. Vote 15-2.

### **Amendment (0569h)**

Amend RSA 635:9 as inserted by section I of the bill by replacing it with the following:  
635:9 Trespassing on Railroad Property.

I. A person is guilty of a violation for trespassing on railroad property if that person, without the railroad carrier's consent, except to cross the property at a public highway or other authorized crossing, knowingly enters on the railroad property by:

(a) Standing, sitting, resting, walking, jogging, driving, or operating a vehicle including but not limited to a bicycle, motorcycle, snowmobile, car, or truck; or

(b) Engaging in recreational activity, including, but not limited to bicycling, hiking, fishing, camping, cross-country skiing, or hunting.

II. Notwithstanding RSA 651:2, II(c), a person violating this section shall be subject to:

(a) A fine not to exceed \$100 for the first offense.

(b) A fine not to exceed \$500 for the second offense.

(c) A fine not to exceed \$1,000 for the third and subsequent offense.

Amend RSA 635:12, IV as inserted by section I of the bill by replacing it with the following:

IV. "Railroad property" means all tangible property owned, leased or operated by a railroad carrier, including a right-of-way, track, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal or any other structure, appurtenance or equipment owned, leased or used in the operation of a railroad carrier including a train, locomotive, engine, railroad car, work equipment, rolling stock or safety device. "Railroad property" does not include a railroad carrier's administrative building or office, office equipment or intangible property such as computer software or other information, or an abandoned right-of-way.

### **AMENDED ANALYSIS**

This bill establishes separate class A misdemeanor offenses for railroad stowaway and violation level offenses for trespassing on railroad property.

Adopted.

Reps. Kennedy and Leishman spoke against and yielded to questions.

Rep. Tholl spoke in favor and yielded to questions.

Reps. Bruno and Mirski spoke against.

Rep. William Kelley spoke in favor.

Rep. Kennedy requested a roll call; sufficiently seconded.

The question being adoption of the report.

### **YEAS 119 NAYS 210**

#### **YEAS 119**

#### **BELKNAP**

Bartlett, Gordon  
Millham, Alida

Czech, Stanley  
Nedeau, Stephen

Holbrook, Robert  
Thomas, John

Johnson, William

#### **CARROLL**

Bradley, Jeb

#### **CHESHIRE**

Avery, Stephen  
Royce, H Charles

Fairbanks, Chandler  
Russell, Ronald

Hunt, John

Richardson, Barbara

#### **COOS**

Bradley, Paula  
Pratt, Leighton

Davis, Perley  
Rodrigue, Robert

Horton, Lynn  
Tholl, John Jr

Mears, Edgar

**GRAFTON**

Cooney, Mary	Eaton, Stephanie	Marshall, Gene	Naro, Debra
Nordgren, Sharon	Scanlan, David		

**HILLSBOROUGH**

Alukonis, David	Andosca, Mary	Bellavance, Paul	Brundige, Robert
Buckley, Raymond	Calawa, Leon Jr	Chabot, Robert	Clegg, Robert Jr
Cote, David	Cote, Peter	Daigle, Robert	Dwyer, Paul
Dyer, Merton	Emerton, Lawrence Sr	Fletcher, Richard	Ford, Nancy
Foster, Linda	Ginsburg, Ruth	Guinta, Frank	Hall, Betty
Herman, Keith	Johnson, Lionel	Konys, Christine	Kurk, Neal
Lasky, Bette	Lessard, Rudy	Martin, Mary Ellen	Mercer, Robert
Messier, Irene	Movsesian, Lori	Pappas, Marc	Sargent, Maxwell

**MERRIMACK**

Bouchard, Candace	Daneault, Gabriel	Feuerstein, Martin	Gile, Mary
Hess, David	Jacobson, Alf	Lockwood, Priscilla	MacKay, James
Rodd, Beth	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Bowles, Raimond	Clark, Martha Fuller
Coes, Betsy	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Downing, Michael	Fesh, Bob	Flanders, John Sr	Gilbert, Karl
Gleason, John	Henderson, Warren	Holland, James Jr	Johnson, Rogers
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Major, Norman	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie
Moore, Benjamin	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Pitts, Jacqueline	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stritch, C Donald	Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David
Weyler, Kenneth	Whittier, John		

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Kaen, Naida	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha		

**SULLIVAN**

Cloutier, John	Harris, Joseph	Harris, Sandra	Jones, Constance
Rodeschin, Beverly			

**NAYS 210****BELKNAP**

Boyce, Laurie	Dewhirst, Glenn	Flanders, Donald	Lawton, David
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Wendelboe, Fran		

**CARROLL**

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Emerson, Susan	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Roberts, William
Weed, Charles	Zerba, Roger		

**COOS**

Gallus, John	Guay, Lawrence	Stohl, Eric	Woodward, David
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**GRAFTON**

Alger, John	Almy, Susan	Benn, Bernard	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Lovett, Sid	Mirski, Paul	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Sova, Charles	Teschner, Douglass	Williams, Burton

**HILLSBOROUGH**

Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bruno, Pierre
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clayton, William
Clemons, Jane	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Eaton, Richard	Elliott, Larry	Fields, Dennis	Furman, Christine
Gargas, Carolyn	Golding, William	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Graham, John	Greenberg, Gary	Hall, Charles
Holden, Randolph	Hopper, Gary	Jean, Loren	Kacavas, John
Keye, Harvey	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen	Melcher, Harold
Milligan, Robert	Moran, Edward	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Pepino, Leo	Reeves, Sandra	Rowe, Robert
Salts, Greg	Schulze, Joan	Souza, Kathleen	Sweeney, Cynthia
Tahir, Saghir	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald	Williams, Carol	

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Clarke, Claire	Colcord, J D
Cummings, Raymond	Davis, Frank	Dunne, Christopher	Fraser, Marilyn
French, Barbara	Greco, Vincent	Kennedy, Richard	Langer, Ray
Leber, William	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Poulin, David	Reardon, Tara	Rush, Deanna
Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane	Winter, Steven
Yeaton, Charles			

**ROCKINGHAM**

Belanger, Ronald	Camm, Kevin	Chalbeck, Kevin	Clark, Vivian
Cox, Russell	Dearborn, Bruce	Flanagan, Natalie	Francoeur, Sheila
Giordano, Ronald	Hamel, Albert	Hill, Jonathan	Hutchinson, Karen
Itse, Daniel	Johnson, Robert	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Norelli, Terie	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reardon, Neil	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Stone, Joseph	Trueman, Raymond	Woekel, Ralph
Zolla, William			

**STRAFFORD**

Bickford, David	Brennan, William	Cossette, Larry	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Harrington, Michael	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Knowles, William	McCarthy, Gerald	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Taylor, Kathleen	Tsiros, William
Twombly, James	Wall, Janet	Woodill, Rodney	Woods, Phyllis

**SULLIVAN**

Allison, David	Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter
Leone, Richard	Odell, Bob	Phinazy, James	Robb, Amy

and the report failed.



Rep. Kennedy moved Recommit to committee.

The motion failed.

Rep. Leishman moved Inexpedient to Legislate.

Adopted.

### **HB 602-FN, relative to the sale of fetal body parts. INEXPEDIENT TO LEGISLATE**

Rep. Beth Rodd for Criminal Justice and Public Safety: Federal law already prohibits the sale of fetal tissue for research. It is also illegal to persuade a woman to seek an abortion for the purpose of obtaining research material. There was no evidence presented during committee testimony to indicate that there have been violations of existing laws. The unintended consequences of passing this legislation would be to prohibit any medical research on fetal tissue regardless of the circumstances resulting in the acquisition of the tissue. Such legislation would effectively put an end to research that has resulted in new and effective treatments for many diseases such as cancer, Alzheimer's disease, Parkinson's, diabetes, spinal cord injuries and others. The majority of the committee felt that, in spite of the emotional tenor of this issue, current research practices are life saving and conform to accepted ethical standards. If enacted, this legislation would halt vital research. It would diminish the hope of cures and the alleviation of suffering for many people who have been devastated by chronic and acute life-threatening illnesses. Vote 13-2.

Rep. Souza spoke against.

Rep. Pepino spoke against and yielded to questions.

Reps. Rodd and Pilliod spoke in favor.

Rep. Vaillancourt requested a quorum call. The Speaker declared a quorum present.

Rep. Rodd requested a roll call; sufficiently seconded.

The question being adoption of the report.

### **YEAS 276 NAYS 45**

#### **YEAS 276**

##### **BELKNAP**

Bartlett, Gordon	Czech, Stanley	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Satiello, Thomas	Thomas, John	

##### **CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith

##### **CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler
Hunt, John	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Roberts, William
Royce, H Charles	Russell, Ronald	Weed, Charles	

##### **COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric	Tholl, John Jr	Woodward, David	

##### **GRAFTON**

Alger, John	Almy, Susan	Benn, Bernard	Cobb, John
Cooney, Mary	Eaton, Stephanie	Gabler, William	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Teschner, Douglass	Williams, Burton		

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence	Baroody, Benjamin
Bellavance, Paul	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Clemons, Jane	Cote, Peter
Coughlin, Pamela	Daigle, Robert	Dokmo, Cynthia	Drisko, Richard
Duval, Jeffrey	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Foster, Linda	Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Betty
Hall, Charles	Herman, Keith	Holden, Randolph	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Leishman, Peter	Lessard, Rudy	Lynde, Harold
McDonough-Wallace, Alice	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Movesian, Lori	O'Connell, Timothy
Panagopoulos, Nicholas	Pappas, Marc	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Sweeney, Cynthia	Thulander, O Alan
Wheeler, Robert	White, Donald	Williams, Carol	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Jacobson, Alf	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Poulin, David
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Winter, Steven	Yeaton, Charles		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Camm, Kevin	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Downing, Michael	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald	Gleason, John
Hamel, Albert	Henderson, Warren	Holland, James Jr	Hutchinson, Karen
Johnson, Robert	Johnson, Rogers	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Moore, Benjamin	Norelli, Terie	Nowe, Ronald	Packard, Sherman
Pitts, Jacqueline	Priestley, Anne	Rausch, James	Reardon, Neil
Ruffner, Walter	Saia, Pamela	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stone, Joseph	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Bickford, David	Brennan, William	Cossette, Larry	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Harrington, Michael	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Pelletier, Arthur
Pelletier, Marsha	Reid, Christopher	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Taylor, Kathleen	Tsiros, William	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Allison, David  
Franklin, Peter  
Leone, Richard  
Rodeschin, Beverly

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

**NAYS 45****BELKNAP**

Boyce, Laurie

Wendelboe, Fran

**CARROLL**

Kenney, Joseph

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

Dudley, Terri  
Sova, Charles

Gilman, G Michael

Giuda, Robert

Mirski, Paul

**HILLSBOROUGH**

Balboni, Michael  
Desrosiers, William  
Hopper, Gary  
McRae, Karen  
Tahir, Saghir

Batula, Peter  
Dionne, Kimberley  
Jean, Loren  
Pepino, Leo  
Thompson, Rob

Bergeron, Jean-Guy  
Drabinowicz, A Theresa  
Martin, Mary Ellen  
Salts, Greg  
Vaillancourt, Steve

Bouchard, David  
Elliott, Larry  
McHugh, Claire  
Souza, Kathleen

**MERRIMACK**

Kennedy, Richard

**ROCKINGHAM**

Chalbeck, Kevin  
Langley, Jane  
Quandt, Marshall

Dodge, Robert  
Palermo, Diane  
Quandt, Matthew

Hill, Jonathan  
Power, Lucille  
Sapareto, Frank

Itse, Daniel  
Putnam, Ed II  
Woekel, Ralph

**STRAFFORD**

Berube, Roger  
Woods, Phyllis

Callaghan, Frank

McCarthy, Gerald

Twombly, James

**SULLIVAN**

None

and the report was adopted.

**HB 694**, establishing a separate high school civics graduation requirement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bruce L. Dearborn for the Majority of Education: The committee agrees that government subjects should be a part of the social studies elective unit as set forth in the administrative rules of the Department of Education (306.23). However, the majority felt the legislature should not be dictating curriculum as it was the responsibility of the local districts in conjunction with the Dept. of Education to create curriculum under administrative rules. The subject is already covered by comprehensive, existing law and should not be broken out for specific legislation unless we also intend to dictate curriculum in math, science, English, etc. Vote 11-9.

Rep. Charles E. Sova for the Minority of Education: Article 83 of the New Hampshire Constitution states the primary purpose of education as the "preservation of a free government." Current law

requires civics education to be "embedded" within the broader social studies curriculum. The minority believes evidence, including data reporting 45% of New Hampshire students scoring novice on civics assessment questions, shows the need to supplement this approach with a separate high school civics requirement. This ½ credit requirement would replace a currently mandated elective, causing no additional financial impact.

Reps. Estabrook and Sova spoke against.

Rep. Dickinson spoke against and yielded to questions.

Reps. Dearborn, Sullivan and Henderson spoke in favor and yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 148 NAYS 177

### YEAS 148

#### BELKNAP

Bartlett, Gordon  
Nedeau, Stephen

Czech, Stanley  
Pilliod, James

Flanders, Donald  
Rice, Thomas Jr

Holbrook, Robert  
Russell, David

#### CARROLL

Babson, David Jr  
Patten, Betsey

Bradley, Jeb  
Philbrick, Donald

Lyman, L Randy  
Stevens, Stanley

Mock, Henry  
Sullivan, P Judith

#### CHESHIRE

Avery, Stephen  
Manning, Joseph

Dexter, Judson  
Meader, David

Fairbanks, Chandler  
Roberts, William

Hunt, John  
Royce, H Charles

#### COOS

Davis, Perley  
Pratt, Leighton

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

#### GRAFTON

Akins, Ralph  
Scanlan, David

Dudley, Terri  
Williams, Burton

Eaton, Stephanie

Marshall, Gene

#### HILLSBOROUGH

Arnold, Thomas Jr  
Brundige, Robert  
Chabot, Robert  
Elliott, Larry  
Ford, Nancy  
Guinta, Frank  
Jean, Loren  
Leach, Edward  
Milligan, Robert  
Rowe, Robert  
Tahir, Saghir  
White, Donald

Artz, Lawrence  
Bruno, Pierre  
Coughlin, Pamela  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Hall, Charles  
Kurk, Neal  
Lessard, Rudy  
O'Connell, Timothy  
Salts, Greg  
Thompson, Rob

Batula, Peter  
Calawa, Leon Jr  
Desrosiers, William  
Fields, Dennis  
Golding, William  
Herman, Keith  
L'Heureux, Robert  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell  
Thulander, O Alan

Bouchard, David  
Carlson, Donald  
Drisko, Richard  
Fletcher, Richard  
Greenberg, Gary  
Holden, Randolph  
LaRose, Richard  
Messier, Irene  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

#### MERRIMACK

Anderson, Eric  
Davis, Frank  
Hess, David  
Whalley, Michael

Brewster, Richard  
Dunne, Christopher  
Jacobson, Alf  
Whittemore, James

Colcord, J D  
Feuerstein, Martin  
MacKay, James

Cummings, Raymond  
Hager, Elizabeth  
Poulin, David

#### ROCKINGHAM

Arndt, Janet  
Dalrymple, Janeen  
Fesh, Bob

Bowles, Raimond  
Dearborn, Bruce  
Flanagan, Natalie

Clark, Vivian  
Dodge, Robert  
Flanders, John Sr

Cox, Russell  
Downing, Michael  
Francoeur, Sheila



Gilbert, Karl  
Holland, James Jr  
Langley, Jane  
Nowe, Ronald  
Priestley, Anne  
Ruffner, Walter  
Stritch, C Donald

Gleason, John  
Johnson, Rogers  
Langone, John  
Packard, Sherman  
Putnam, Ed II  
Saia, Pamela  
Welch, David

Henderson, Warren  
Kelley, William  
Letourneau, Robert  
Pitts, Jacqueline  
Rausch, James  
Sloan, Stephen  
Whittier, John

Hill, Jonathan  
Kobel, Rudolph  
McGuire, Robert  
Power, Lucille  
Reardon, Neil  
Stone, Joseph  
Woelke, Ralph

### STRAFFORD

Cossette, Larry  
Pelletier, Arthur

Dunlap, Patricia  
Pelletier, Marsha

Harrington, Michael  
Tsiros, William

Kaen, Naida

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

### NAYS 177

### BELKNAP

Boyce, Laurie  
Millham, Alida  
Wendelboe, Fran

Dewhirst, Glenn  
Rosen, Ralph

Johnson, William  
Salatiello, Thomas

Lawton, David  
Thomas, John

### CARROLL

Dickinson, Howard

Kenney, Joseph

### CHESHIRE

Allen, Peter  
Espiefs, Peter  
Richardson, Barbara

Batchelder, Robert  
McGuirk, Paul  
Russell, Ronald

Burnham, Daniel  
Mitchell, McKim  
Weed, Charles

Emerson, Susan  
Pratt, John  
Zerba, Roger

### COOS

Bradley, Paula

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Alger, John  
Cooney, Mary  
Ham, Bonnie  
Nordgren, Sharon  
Sova, Charles

Almy, Susan  
Gabler, William  
Lovett, Sid  
Pawlek, Marion  
Teschner, Douglass

Benn, Bernard  
Gilman, G Michael  
Mirski, Paul  
Scovner, Nancy

Cobb, John  
Giuda, Robert  
Naro, Debra  
Sokol, Hilda

### HILLSBOROUGH

Alukonis, David  
Bellavance, Paul  
Christiansen, Lars  
Cote, Peter  
Drabinowicz, A Theresa  
Foster, Linda  
Goulet, Maurice  
Johnson, Lionel  
LaFlamme, Paul  
Martin, Mary Ellen  
Melcher, Harold  
Panagopoulos, Nicholas  
Vaillancourt, Steve

Andosca, Mary  
Bergeron, Jean-Guy  
Clayton, William  
Daigle, Robert  
Duval, Jeffrey  
Furman, Christine  
Graham, John  
Kacavas, John  
Lasky, Bette  
McDonough-Wallace, Alice  
Moran, Edward  
Pepino, Leo  
Williams, Carol

Balboni, Michael  
Buckley, Raymond  
Clegg, Robert Jr  
Dionne, Kimberley  
Dwyer, Paul  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
Leishman, Peter  
McHugh, Claire  
Movsesian, Lori  
Schulze, Joan

Baroody, Benjamin  
Christensen, D L Chris  
Clemons, Jane  
Dokmo, Cynthia  
Eaton, Richard  
Gorman, Mary  
Hopper, Gary  
Konys, Christine  
Lynde, Harold  
McRae, Karen  
Palangas, Eric  
Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
French, Barbara  
Leber, William

Clarke, Claire  
Gile, Mary  
Lockwood, Priscilla

Daneault, Gabriel  
Kennedy, Richard  
Moore, Carol

Fraser, Marilyn  
Langer, Ray  
Owen, Derek

Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane
Winter, Steven	Yeaton, Charles		

## ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Camm, Kevin	Chalbeck, Kevin
Clark, Martha Fuller	Coes, Betsy	DiFruscia, Anthony	Giordano, Ronald
Hamel, Albert	Hutchinson, Karen	Itse, Daniel	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Major, Norman
McKinney, Betsy	Norelli, Terie	Palermo, Diane	Quandt, Marshall
Quandt, Matthew	Sapareto, Frank	Shultis, Elizabeth	Splaine, James
Trueman, Raymond	Varrell, Thomas	Weatherspoon, Jacquelyne	Weyler, Kenneth
Zolla, William			

## STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
Lent, Donald	McCarthy, Gerald	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Taylor, Kathleen	Twombly, James
Wall, Janet	Woodill, Rodney	Woods, Phyllis	

## SULLIVAN

Allison, David	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Odell, Bob	Phinizy, James
Robb, Amy			

and adoption of the majority report failed.

Rep. Estabrook moved Ought to Pass with Amendment and offered a floor amendment (0920h).

## Floor Amendment (0920h)

Amend the bill by replacing all after the enacting clause with the following:

1 School Boards, Teachers; Instruction in Civics. Amend RSA 189:11 to read as follows:

189:11 Instruction in National and State History and Government; *Instruction in Civics*.

**I.** In all public and private schools in the state there shall be given regular courses of instruction in the history, government, and constitutions of the United States and New Hampshire, including the organization and operation of New Hampshire municipal, county and state government and of the federal government.

**II.** The instruction required under paragraph I shall begin not later than the opening of the eighth grade and shall continue in ~~all high [school as an identifiable component of]~~ *schools in the state which shall include a [year's] one year* course in the history ~~[and government]~~ of the United States and New Hampshire.

**III.** *In all high schools in the state, there shall be given a course of instruction in civics. This course shall be a one-half unit of credit required for graduation, and shall replace one-half of the social studies elective unit of credit as set forth in the administrative rules of the department of education at Ed. 306.23(f). The civics course may be locally developed provided, at a minimum, the course provides exposure to current governmental affairs and covers the following areas:*

(a) *Duties and responsibilities of a citizen.*

(b) *Opportunities of citizen participation and involvement in the governmental process.*

(c) *The structure and operation of government.*

(d) *The constitutional basis of our government.*

(e) *The interaction between local, state, and federal governments.*

2 Effective Date. This act shall take effect July 1, 2002.

## AMENDED ANALYSIS

This bill provides that a one-half year course in civics shall be required for high school graduation. Rep. Henderson spoke in favor.

Floor amendment (0920h) was adopted.

The motion of Ought to Pass with Amendment was adopted.

Ordered to third reading.

**HB 708-FN**, relative to the definition of "child" for the purposes of home education and relative to access to public school programs by home educated pupils. **INEXPEDIENT TO LEGISLATE**  
Rep. Bruce L. Dearborn for Education: This legislation would further clarify access to public school programs and facilities by home schooled students. Despite extensive discussion and attempts at amendment, the committee could not overcome doubt and confusion over the consequences of enacting the bill. A nearly identical bill was retained by the committee as a vehicle for pursuing any necessary clarification. Vote 13-7.

Adopted.

**HB 734**, eliminating the teen assessment project in the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee recommends this bill inexpedient to legislate for the following reasons: 1) This program operates at the local level; 2) parents can see the survey; 3) parents can opt to keep their child from taking the survey; and 4) any student may opt not to answer any of the questions on the survey. Vote 17-2.

Reps. Salts and Alger spoke against and yielded to questions.

Reps. Naro and Rush spoke in favor.

Rep. Henderson spoke in favor and yielded to questions.

Rep. Furman requested a roll call; sufficiently seconded.

The question being adoption of the report.

## YEAS 218 NAYS 103

### YEAS 218

#### BELKNAP

Czech, Stanley  
Millham, Alida  
Russell, David

Flanders, Donald  
Nedeau, Stephen  
Salatiello, Thomas

Holbrook, Robert  
Pilliod, James  
Thomas, John

Johnson, William  
Rice, Thomas Jr  
Wendelboe, Fran

#### CARROLL

Babson, David Jr  
Mock, Henry

Bradley, Jeb  
Philbrick, Donald

Dickinson, Howard  
Stevens, Stanley

Lyman, L Randy  
Sullivan, P Judith

#### CHESHIRE

Allen, Peter  
Emerson, Susan  
McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

Avery, Stephen  
Espiefs, Peter  
Meader, David  
Roberts, William  
Zerba, Roger

Batchelder, Robert  
Hunt, John  
Mitchell, McKim  
Royce, H Charles

Burnham, Daniel  
Manning, Joseph  
Pratt, John  
Russell, Ronald

#### COOS

Bradley, Paula  
Mears, Edgar  
Tholl, John Jr

Davis, Perley  
Pratt, Leighton  
Woodward, David

Gallus, John  
Rodrigue, Robert

Horton, Lynn  
Stohl, Eric

#### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Scanlan, David

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Teschner, Douglass

#### HILLSBOROUGH

Alukonis, David  
Bellavance, Paul  
Buckley, Raymond

Andosca, Mary  
Bouchard, David  
Calawa, Leon Jr

Artz, Lawrence  
Brundige, Robert  
Carlson, Donald

Baroody, Benjamin  
Bruno, Pierre  
Christensen, D L Chris

Clayton, William  
 Coughlin, Pamela  
 Drisko, Richard  
 Fletcher, Richard  
 Furman, Christine  
 Goley, Jeffrey  
 Guinta, Frank  
 Johnson, Lionel  
 L'Heureux, Robert  
 Lefebvre, Roland  
 McDonough-Wallace, Alice  
 Palangas, Eric  
 Schulze, Joan  
 White, Donald

Clegg, Robert Jr  
 Daigle, Robert  
 Duval, Jeffrey  
 Flora, Kathleen  
 Gargas, Carolyn  
 Gorman, Mary  
 Hall, Betty  
 Kacavas, John  
 LaRose, Richard  
 Leishman, Peter  
 Mercer, Robert  
 Panagopoulos, Nicholas  
 Sweeney, Cynthia  
 Williams, Carol

Clemons, Jane  
 Dokmo, Cynthia  
 Elliott, Larry  
 Ford, Nancy  
 Ginsburg, Ruth  
 Graham, John  
 Hall, Charles  
 Keye, Harvey  
 Lasky, Bette  
 Lessard, Rudy  
 Messier, Irene  
 Rowe, Robert  
 Vaillancourt, Steve

Cote, Peter  
 Drabinowicz, A Theresa  
 Emerton, Lawrence Sr  
 Foster, Linda  
 Golding, William  
 Greenberg, Gary  
 Herman, Keith  
 Konys, Christine  
 Leach, Edward  
 Lynde, Harold  
 Movsesian, Lori  
 Sargent, Maxwell  
 Wheeler, Robert

### MERRIMACK

Anderson, Eric  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Hess, David  
 Moore, Carol  
 Poulin, David  
 Seldin, Gloria  
 Yeaton, Charles

Bouchard, Candace  
 Davis, Frank  
 French, Barbara  
 Jacobson, Alf  
 Owen, Derek  
 Reardon, Tara  
 Swindlehurst, John

Clarke, Claire  
 Dunne, Christopher  
 Gile, Mary  
 Lockwood, Priscilla  
 Perkins, Randy  
 Rodd, Beth  
 Wallner, Mary Jane

Cummings, Raymond  
 Feuerstein, Martin  
 Hager, Elizabeth  
 MacKay, James  
 Potter, Frances  
 Rush, Deanna  
 Whittemore, James

### ROCKINGHAM

Belanger, Ronald  
 Coes, Betsy  
 Downing, Michael  
 Giordano, Ronald  
 Kane, Cecelia  
 Langley, Jane  
 McKinney, Betsy  
 Rausch, James  
 Stone, Joseph

Bowles, Raimond  
 Cox, Russell  
 Flanagan, Natalie  
 Gleason, John  
 Katsakiores, George  
 Langone, John  
 Norelli, Terie  
 Shultis, Elizabeth  
 Stritch, C Donald

Clark, Martha Fuller  
 Dalrymple, Janeen  
 Flanders, John Sr  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Major, Norman  
 Nowe, Ronald  
 Sloan, Stephen  
 Weatherspoon, Jacquelyne

Clark, Vivian  
 Dearborn, Bruce  
 Francoeur, Sheila  
 Johnson, Robert  
 Kobel, Rudolph  
 McGuire, Robert  
 Pitts, Jacqueline  
 Splaine, James  
 Welch, David

### STRAFFORD

Bickford, David  
 Estabrook, Iris  
 Hughes, Christopher  
 Lent, Donald  
 Taylor, Kathleen

Brennan, William  
 Ferland, Paul  
 Johnson, Nancy  
 Rollo, Michael  
 Woodiill, Rodney

Cossette, Larry  
 Grassie, Anne  
 Kaen, Naida  
 Smith, Marjorie

Dunlap, Patricia  
 Heon, Richard  
 Knowles, William  
 Snyder, Clair

### SULLIVAN

Allison, David  
 Franklin, Peter  
 Rodeschin, Beverly

Cloutier, John  
 Jones, Constance

Ferland, Brenda  
 Leone, Richard

Flint, Gordon Sr  
 Phinzy, James

### NAYS 103

### BELKNAP

Bartlett, Gordon  
 Rosen, Ralph

Boyce, Laurie

Dewhirst, Glenn

Lawton, David

### CARROLL

Kenney, Joseph

Patten, Betsey

### CHESHIRE

Dexter, Judson

Fairbanks, Chandler

### COOS

Guay, Lawrence



**GRAFTON**

Alger, John	Cobb, John	Dudley, Terri	Gabler, William
Gilman, G Michael	Giuda, Robert	Ham, Bonnie	Marshall, Gene
Mirski, Paul	Sova, Charles	Williams, Burton	

**HILLSBOROUGH**

Arnold, Thomas Jr	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Chabot, Robert	Christiansen, Lars	Desrosiers, William	Dionne, Kimberley
Dwyer, Paul	Eaton, Richard	Fields, Dennis	Goulet, Maurice
Holden, Randolph	Hopper, Gary	Jean, Loren	Kurk, Neal
LaFlamme, Paul	Martin, Mary Ellen	McHugh, Claire	McRae, Karen
Melcher, Harold	Milligan, Robert	Moran, Edward	O'Connell, Timothy
Pepino, Leo	Reeves, Sandra	Salts, Greg	Souza, Kathleen
Tahir, Saghir	Thompson, Rob	Thulander, O Alan	

**MERRIMACK**

Brewster, Richard	Kennedy, Richard	Langer, Ray	Leber, William
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Arndt, Janet	Camm, Kevin	Chalbeck, Kevin	DiFruscia, Anthony
Dodge, Robert	Fesh, Bob	Gilbert, Karl	Hamel, Albert
Hill, Jonathan	Hutchinson, Karen	Itse, Daniel	Johnson, Rogers
Kelley, William	Letourneau, Robert	Packard, Sherman	Palermo, Diane
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Reardon, Neil	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Trueman, Raymond	Varrell, Thomas	Weyler, Kenneth
Whittier, John	Woekel, Ralph	Zolla, William	

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Harrington, Michael	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Reid, Christopher	Tsiros, William
Twombly, James	Wall, Janet	Woods, Phyllis	

**SULLIVAN**

Harris, Joseph	Harris, Sandra	Odell, Bob
and the report was adopted.		

**CACR 9**, relating to the term of office for governor. Providing that beginning with the 2004 general election, there shall be a 4-year term of office for governor. **INEXPEDIENT TO LEGISLATE** Rep. Natalie S. Flanagan for Election Law: A four-year term for governor has been defeated in past sessions. This bill added the Senate. It was the feeling of the committee that it was not necessary at this time. Also, the House of Representatives was not included. Vote 8-7.  
Adopted.

**HB 201**, requiring voters to present identification to obtain a ballot. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ronald J. Nowe for the Majority of Election Law: This bill, as amended, requires a registered voter to present photo identification to obtain a ballot at election time. The registered voter will still be required to announce their name loudly and clearly to the ballot clerk. The bill further states that if the registered voter cannot produce a photo identification the ballot clerk must notify the voters that they may sign an affidavit to receive a ballot. Also, and importantly so, this bill may only be adopted by the legislative body of the town/city and then the secretary of state's office must be notified by the governing body of the town/city. This is a local option bill so there is no Article 28-a problem. Vote 14-5.

Rep. Jackie K. Weatherspoon for the Minority of Election Law: This bill will require everyone, including public officials such as the governor, state senators, state legislators, selectmen, mayors

and other to show an ID. If you do not have an ID, you will be required to sign an affidavit. It was stated during the testimony college students were voting in record numbers and the elderly were coming in by buses to vote. We learned from the secretary of state's office there is no mandatory training for ballot clerks. This bill will leave the door open for an individual to sue the town and the clerk because the voter was a friend of the clerk or a well-known person was given the nod to cast their ballot. The minority of the committee recommends mandatory training for all ballot clerks.

### Amendment (0348h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to voters presenting identification to obtain a ballot.

Amend the bill by replacing all after the enacting clause with the following:

1 Election Day Morning Procedures; Statutes Posted; Reference Added. Amend RSA 658:29 to read as follows:

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place: RSA 654:38, 39; RSA 658:29; RSA 659:13, *13-a*, 27, 30, 31, 32, 103; RSA 665:15; RSA 666:4, 5, 8, 9, 10, 11, 12.

2 New Section; Optional Procedure for Obtaining a Ballot. Amend RSA 659 by inserting after section 13 the following new section:

659:13-a Optional Procedure for Obtaining a Ballot.

I. The legislative body of a municipality may adopt the alternative procedure for obtaining a ballot established in paragraph II. Upon adoption, the alternative procedure shall be followed in lieu of the procedure established in RSA 659:13 at all elections in the municipality. If the legislative body votes to discontinue use of the alternative procedure for obtaining a ballot, the procedure established in RSA 659:13 shall be followed at all elections in the municipality held after such vote. The governing body of the municipality shall notify the secretary of state of the adoption of the alternative procedure for obtaining a ballot or of the vote to discontinue the alternative procedure for obtaining a ballot.

II. In municipalities adopting the procedures in this paragraph, a person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name and present his or her New Hampshire driver's license, armed services identification card, United States passport, or any other form of photographic identification to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. If the person does not have his or her driver's license, passport, or other form of photographic identification, the ballot clerk shall notify the person of the affidavit provided for in RSA 659:27. The voter, unless challenged as provided for in RSA 659:27-33, or unless failing to present proper identification and failing to sign an affidavit, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

3 Preservation of Challenge Affidavits. Amend RSA 659:103 to read as follows:

659:103 Preservation of Challenge Affidavits. The affidavits made by challenged voters as provided in RSA 659:27 shall be preserved by the town clerk for at least one year following the date of a state election. In contested elections, all affidavits *made by challenged voters* shall be retained by the town clerk until the contest is settled and all appeals periods have expired or for at least one year, whichever is longer. *Affidavits made pursuant to RSA 659:13-a shall be retained with the ballots for the period of time established in RSA 659:100.*

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill permits municipalities to require that voters present identification or sign an affidavit to obtain a ballot.

Adopted.

Rep. Buckley spoke against.

Rep. Nowe spoke in favor and requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

**YEAS 184 NAYS 122****YEAS 184****BELKNAP**

Bartlett, Gordon  
Johnson, William  
Pilliod, James  
Wendelboe, Fran

Boyce, Laurie  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Millham, Alida  
Russell, David

Holbrook, Robert  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Hunt, John

Dexter, Judson  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Ham, Bonnie  
Sova, Charles

Alger, John  
Gabler, William  
Marshall, Gene  
Teschner, Douglass

Cobb, John  
Gilman, G Michael  
Mirski, Paul  
Williams, Burton

Dudley, Terri  
Giuda, Robert  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter  
Bruno, Pierre  
Clegg, Robert Jr  
Drisko, Richard  
Ford, Nancy  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Wheeler, Robert

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Coughlin, Pamela  
Elliott, Larry  
Furman, Christine  
Greenberg, Gary  
Hopper, Gary  
L'Heureux, Robert  
Leishman, Peter  
McRae, Karen  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
White, Donald

Artz, Lawrence  
Bouchard, David  
Christensen, D L Chris  
Desrosiers, William  
Fields, Dennis  
Gargas, Carolyn  
Guinta, Frank  
Jean, Loren  
LaFlamme, Paul  
Lessard, Rudy  
Mercer, Robert  
O'Connell, Timothy  
Salts, Greg  
Thulander, O Alan

Balboni, Michael  
Brundige, Robert  
Christiansen, Lars  
Dokmo, Cynthia  
Fletcher, Richard  
Golding, William  
Hall, Betty  
Johnson, Lionel  
Leach, Edward  
Martin, Mary Ellen  
Messier, Irene  
Pepino, Leo  
Sargent, Maxwell  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Langer, Ray  
Poulin, David  
Winter, Steven

Brewster, Richard  
Hager, Elizabeth  
Leber, William  
Swindlehurst, John

Cummings, Raymond  
Hess, David  
Lockwood, Priscilla  
Whalley, Michael

Davis, Frank  
Kennedy, Richard  
MacKay, James  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Dodge, Robert  
Francoeur, Sheila

Belanger, Ronald  
Dalrymple, Janeen  
Fesh, Bob  
Gilbert, Karl

Camm, Kevin  
Dearborn, Bruce  
Flanagan, Natalie  
Giordano, Ronald

Chalbeck, Kevin  
DiFruscia, Anthony  
Flanders, John Sr  
Gleason, John

Hamel, Albert  
Johnson, Rogers  
Langley, Jane  
Packard, Sherman  
Putnam, Ed II  
Sapareto, Frank  
Welch, David

Henderson, Warren  
Katsakiores, George  
Letourneau, Robert  
Palermo, Diane  
Quandt, Marshall  
Stone, Joseph  
Weyler, Kenneth

Hill, Jonathan  
Katsakiores, Phyllis  
McKinney, Betsy  
Power, Lucille  
Quandt, Matthew  
Stritch, C Donald  
Whittier, John

Itse, Daniel  
Kobel, Rudolph  
Nowe, Ronald  
Priestley, Anne  
Ruffner, Walter  
Varrell, Thomas

### STRAFFORD

Cossette, Larry  
Pelletier, Arthur  
Woods, Phyllis

Dunlap, Patricia  
Pelletier, Marsha

Harrington, Michael  
Reid, Christopher

McCarthy, Gerald  
Twombly, James

### SULLIVAN

Ferland, Brenda

Jones, Constance

Odell, Bob

Rodeschin, Beverly

### NAYS 122

### BELKNAP

Dewhirst, Glenn

Flanders, Donald

Rice, Thomas Jr

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Richardson, Barbara

Batchelder, Robert  
Meader, David  
Zerba, Roger

Burnham, Daniel  
Mitchell, McKim

Espiefs, Peter  
Pratt, John

### COOS

Bradley, Paula

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Naro, Debra

Benn, Bernard  
Nordgren, Sharon

Cooney, Mary  
Scovner, Nancy

Lovett, Sid  
Sokol, Hilda

### HILLSBOROUGH

Andosca, Mary  
Carlson, Donald  
Daigle, Robert  
Eaton, Richard  
Ginsburg, Ruth  
Hall, Charles  
Konys, Christine  
McHugh, Claire  
Panagopoulos, Nicholas

Baroody, Benjamin  
Clayton, William  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Goley, Jeffrey  
Holden, Randolph  
LaRose, Richard  
Melcher, Harold  
Schulze, Joan

Bellavance, Paul  
Clemens, Jane  
Duval, Jeffrey  
Flora, Kathleen  
Gorman, Mary  
Kacavas, John  
Lasky, Bette  
Movsesian, Lori  
Sweeney, Cynthia

Buckley, Raymond  
Cote, Peter  
Dwyer, Paul  
Foster, Linda  
Graham, John  
Keye, Harvey  
Lynde, Harold  
Palangas, Eric  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Fraser, Marilyn  
Moore, Carol  
Rodd, Beth  
Yeaton, Charles

Clarke, Claire  
French, Barbara  
Perkins, Randy  
Rush, Deanna

Daneault, Gabriel  
Gile, Mary  
Potter, Frances  
Seldin, Gloria

Feuerstein, Martin  
Jacobson, Alf  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Bowles, Raimond  
Johnson, Robert  
McGuire, Robert  
Reardon, Neil  
Trueman, Raymond

Clark, Martha Fuller  
Kane, Cecelia  
Norelli, Terie  
Shults, Elizabeth  
Weatherspoon, Jacquelyne

Coes, Betsy  
Langone, John  
Pitts, Jacqueline  
Sloan, Stephen  
Zolla, William

Downing, Michael  
Major, Norman  
Rausch, James  
Splaine, James



**STRAFFORD**

Berube, Roger  
 Estabrook, Iris  
 Kaen, Naida  
 Snyder, Clair  
 Woodill, Rodney

Bickford, David  
 Ferland, Paul  
 Lent, Donald  
 Taylor, Kathleen

Brennan, William  
 Grassie, Anne  
 Rollo, Michael  
 Tsiros, William

Callaghan, Frank  
 Hughes, Christopher  
 Smith, Marjorie  
 Wall, Janet

**SULLIVAN**

Allison, David  
 Harris, Joseph

Cloutier, John  
 Harris, Sandra

Flint, Gordon Sr  
 Leone, Richard

Franklin, Peter  
 Phinizy, James

and the majority report was adopted.  
 Ordered to third reading.

**HB 259, relative to holding sessions for correction of checklists. OUGHT TO PASS**

Rep. Frank W. Davis for Election Law: This bill changes the required hours for evening sessions for correction of checklists from between 7:00pm and 9:00pm to between 7:00pm and 8:00pm. It also allows the supervisors to schedule additional hours. Then language would now be consistent with the language for the Saturday sessions of the checklist supervisors. A majority of the committee felt that HB 259 would be beneficial to both the more than 50 small towns with less than 600 voters who may have no one show up for such sessions, and the larger cities and towns who may need more than the currently allowed two hours. This legislation has the support of the New Hampshire Municipal Association and the secretary of state's office. No one spoke against the bill at the public hearing. Vote 13-5.

Adopted.

Ordered to third reading.

**HB 364, eliminating straight ticket voting. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert E. Clegg, Jr. for the Majority of Election Law: The majority of the committee felt the disenfranchisement of voters is the last thing we need to do. Every session someone files a bill to change the way we vote and/or change the way names are placed on the ballot. More confusion is not what the voters need. Straight ticket voting has existed for years and has caused no harm to any candidate. Last week the committee voted 19-0 Ought to Pass on HB 226 which clarified the instructions for straight ticket voting. Straight ticket voting is a choice. If you do not want to vote straight ticket, you do not have to. Some wish to limit your choice as a voter. The majority of the committee believes the choice is essential to the process. Straight ticket voting is nothing more than allowing voters to choose how they want to vote. Since straight ticket voting has not caused death or injury there is no reason to change it. Vote 12-7.

Rep. Steve Vaillancourt for the Minority of Election Law: Here we go again. Attempts to eliminate straight ticket voting have consistently failed during the past several sessions. Noble ideas often fail and have to resurface several times before they ultimately see the light of day. Such is the case with straight ticket voting. This outmoded concept leads to voter confusion and serves absolutely no useful purpose whatsoever. Proponents of keeping it claim that to do otherwise is tantamount to taking away an inherent right, but that is simply not true. A voter would still be able to vote for every Republican or Democrat or even every Libertarian candidate on the ballot should that voter so choose. He or she would simply have to place a mark next to each candidate's name. In the process of doing that, the voter might decide that a candidate of another party merits support, perhaps because that candidate knocked on the voter's door and made a favorable impression. Straight ticket voting rewards laziness and sloth. Votes in this House in the past have broken down almost entirely along party lines, Republicans opposing elimination due in large part to the perception that since there are more registered Republicans statewide, Republicans benefit. Perceptions can be wrong. Illinois Republicans pushed to ban straight ticket voting since they believed elimination would help them in the Chicago area. When straight ticket voting was finally eliminated in the state, however, Republicans were hurt because Democrats did better downstate and still held strong in Cook County. Let's put parties aside this year and do what is most likely to produce election of the most qualified, most committed candidates. The tri-partisan minority says the time has come. Elimination will not take options away from voters; it will not lead to lower voter turnout; it will eliminate confusion and reward competence.

**MOTION TO SPECIAL ORDER**

Rep. Arndt moved that **HB 364**, eliminating straight ticket voting, be made a Special Order for Thursday, April 26, 2001 as the first order of business.

Adopted

**HB 399**, relative to proof of qualifications for voter registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill requires people registering to vote on election day to provide appropriate proof of qualifications as provided in RSA 654:12. The current wording says they "may" provide this proof and the majority of the committee agreed with the sponsor that changing the word to "shall" would treat everyone the same and reduce the potential for allegations of discrimination. For the same reason, the bill also requires checklist supervisors to provide affidavits to voters when necessary. Vote 11-5.

**Amendment (0174h)**

Amend RSA 654:7-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election. The applicant ~~[may]~~ *shall* be required to produce appropriate proof of qualifications as provided in RSA 654:12. The applicant shall complete an election day affidavit which shall be prescribed by the secretary of state *and provided to the applicant by an election official*, and which shall contain the following written oath or affirmation:

"I do hereby certify under penalty of perjury that to the best of my knowledge, I am a qualified voter, and that I am not disqualified on any ground from voting, and I have not voted and will not vote at any other polling place this election."

---

(Signature of Applicant)

Adopted.

On a division vote, 195 members having voted in the affirmative and 98 in the negative, the report was adopted.

Ordered to third reading

**HB 411**, requiring that New Hampshire's presidential electors be bound to vote for the candidates of the party which nominated the electors. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Election Law: Under the present system, electors in New Hampshire have consistently voted for the presidential candidate to whom they have pledged. The majority of the committee felt that since we were not confronted with a problem we should continue with the present process, which has been successful to date. Vote 16-2.

Adopted.

**HB 418**, relative to requirements for recounts. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This bill would have required that petitioners for recounts submit an application and fee in person. There was much discussion of whether or not a notarized facsimile would be acceptable. Unfortunately, there was little consensus among committee members on that matter. It was the opinion of the majority of the Election Law Committee that this bill be found Inexpedient to Legislate. Vote 14-3.

Adopted.

**HB 436**, eliminating nomination of a party by nomination papers. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bragdon for Election Law: This bill sought to eliminate the ability of political organizations, other than the two major parties, to be listed on the ballot by submitting petitions. The majority of the committee felt that providing this opportunity to "minor parties" was important and that other legislation supported by the committee dealt with the few minor confusions caused by the existing provisions. Vote 12-6.

Rep. Stritch moved Recommit to committee.

Adopted.

Recommitted to Election Law.

**HB 461**, requiring all officers and officials elected by either or both houses of the legislature to file certain reports and register as political committees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. C. Donald Stritch for the Majority of Election Law: This bill requires certain officials in either or both houses of the legislature to file certain reports and register as political committees. This subject is currently being addressed and discussed by the committee and will be reported shortly in another bill. Vote 11-8.

Rep. Christopher L. Hughes for the Minority of Election Law: The minority felt that any candidate running for political office should have to file a financial disclosure as well as accounting for all campaign funds.

On a division vote, 193 members having voted in the affirmative and 99 in the negative, the majority report was adopted.

Rep. Elliott declared a conflict of interest and did not participate.

**HB 468**, relative to declaration of party affiliation in primary voting. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Election Law: This bill would prevent undeclared (independent) voters from participating in primary elections. If passed, this bill would be inconsistent with the committee's goal to increase voter participation. There was also concern that voters who take advantage of Election Day registration would have voting rights not available to voters on the checklist prior to the election. Additionally, there was testimony that passage of this bill would adversely impact the New Hampshire presidential primary. Vote 16-3

On a division vote, 254 members having voted in the affirmative and 43 in the negative, the report was adopted.

**HB 503**, relative to incompatible offices. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter E. Bragdon for the Majority of Election Law: New Hampshire law currently prohibits candidates from running for more than one of the following "incompatible offices" at the same time: governor, state senator, state representative and executive councilor. This bill would add "any federal office" to this list. According to Webster's dictionary, the word "incompatible" is used for offices that make conflicting demands on the holder. The majority of the committee feels that the same principle that makes the existing list of offices incompatible also applies to federal offices – not to mention the wicked commute. Vote 12-7.

Rep. Nicholas T. Panagopoulos for the Minority of Election Law: The minority of the committee feels that this bill is not needed. The voters should be able to make the decision of whether they wish to support a candidate for both state and federal office. Furthermore, state and federal government are not incompatible in regard to policy making. The minority also strongly feels that this bill is an ad hominem attack on members of this house who seek federal office.

Rep. Panagopoulos spoke against.

Rep. Teschner spoke in favor.

On a division vote, 185 members having voted in the affirmative and 107 in the negative, the majority report was adopted.

Ordered to third reading.

Reps. Martha Fuller Clark and Wendelboe declared conflicts of interest and did not participate.

**HB 520**, relative to clarifying qualifications of candidates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Steve Vaillancourt for Election Law: This bill came about due to problems in a state senate campaign last year. There were questions as to whether or not a candidate actually lived in the district. This bill clarifies qualifications by noting that registration to vote or voting in another state creates a presumption that a person does not have domicile in the state. The amendment simply adds the phrase "during the relevant time period", in other words during the time period stated under requirements for a state senator, state representative, etc. Vote 19-0.

#### **Amendment (0599h)**

Amend the bill by replacing section 1 with the following:

1 Nominations; General Qualifications; Domicile. Amend RSA 655:2 to read as follows:



655:2 Domicile. To hold any elective office in the state, a person must have a domicile in the state. *Registration to vote or voting in another state during the relevant time period shall create a presumption that a person does not have a domicile in this state.*

Adopted.

Report adopted and ordered to third reading.

**HB 579**, relative to nominating a political organization by nomination papers. **OUGHT TO PASS**  
Rep. Douglass P. Teschner for Election Law: This housekeeping bill corrects the definition of political party, as opposed to political organization, for the purpose of nomination papers. This bill cleans up a confusing section of the election law statutes. Vote 18-0.

Adopted and ordered to third reading.

**HB 666**, permitting the placement of political advertising on highway rights-of-way. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This bill would have prohibited the placement of political advertising except on highway rights-of-way and private property. The bill further states that local law enforcement officers have the authority to remove political advertising. It was the majority's belief that there would be some question regarding whether law enforcement rules were state or local. Therefore, the committee recommends Inexpedient to Legislate. Vote 17-1.

Rep. Arndt moved Recommit to committee and spoke in favor.

On a division vote, 155 members having voted in the affirmative and 135 in the negative, the motion was adopted.

Recommitted to Election Law.

**HB 677**, relative to certification and filing of nomination papers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond Buckley for Election Law: This bill allows supervisors of the checklist to delegate their responsibilities to the town or city clerk regarding certifying nomination papers for a political organization. The amendment to the bill would require that the nomination papers be grouped by municipality. Vote 19-0.

#### Amendment (0418h)

Amend RSA 655:41, II as inserted by section 2 of the bill by replacing it with the following:

*II. The city clerk may perform the responsibilities of the supervisors of the checklist under this section.*

Amend RSA 655:43, I as inserted by section 4 of the bill by replacing it with the following:

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday one week before the primary. *Nomination papers to be filed shall be grouped by municipality.* No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he *or she* seeks at the time of the general election and meets all the other qualifications at the time of filing; and if a candidate for the office of governor, executive councilor, state senator, or state representative, unless ~~he~~ *the candidate* shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless ~~he~~ *the candidate* shall meet the qualifications for office under RSA 655:3 and 655:4.

#### AMENDED ANALYSIS

This bill requires a political organization to file a declaration of intent to be nominated as political party. This bill permits the city clerk to perform the responsibilities of the supervisors of the checklist for certifying nomination papers. This bill also requires nomination papers to be signed by registered voters and makes certain changes to the procedure for filing nomination papers.

Adopted.

Report adopted and ordered to third reading.

**HB 698**, relative to verification of checklists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill is a technical correction to the law pertaining to the ten-year verification and purging of voter checklists. Currently, people who recently voted for the first time in the 2001 elections would have their names purged from the checklist. The original bill also allowed checklist supervisors to order verifications more frequently than every ten years.



However, the committee felt the existing provisions for petitioning the ballot law commission gives adequate remedy in cases where the checklist supervisors feel the checklist needs to be revised. Vote 17-1.

### **Amendment (0572h)**

Amend the bill by deleting sections 1-2 and renumbering the original sections 3-4 to read as 1-2, respectively.

### **AMENDED ANALYSIS**

This bill adds persons who voted at a 2001 town election to the persons deemed reregistered for purposes of the 2001 verification of the checklist.

Adopted.

Report adopted and ordered to third reading.

### **HB 711, relative to reporting by candidates. INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: HB711 duplicated the law that sets January 1 of the election year as the start date for the voluntary spending cap. The sponsor withdrew this bill when it was revealed it was already in statute. Vote 18-0.

Adopted.

### **SPECIAL ORDER**

Without objection, the Speaker ordered that all the bills remaining on today's calendar be made a Special Order for Thursday, April 26, 2001.

### **UNANIMOUS CONSENT**

Rep. French addressed the House.

### **RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 26, 2001 at 10:00 a.m.

Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

**HB 694**, establishing a separate high school civics graduation requirement.

**HB 201**, relative to voters presenting identification to obtain a ballot.

**HB 259**, relative to holding sessions for correction of checklists.

**HB 399**, relative to proof of qualifications for voter registration.

**HB 503**, relative to incompatible offices.

**HB 520**, relative to clarifying qualifications of candidates.

**HB 579**, relative to nominating a political organization by nomination papers.

**HB 677**, relative to certification and filing of nomination papers.

**HB 698**, relative to verification of checklists.

### **RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:30 p.m.

### **RECESS**

#### **(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 15

Thursday, April 26, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

God our heavenly parent, You see Your children growing up in an unsteady and confusing world. Show them that Your ways give more life than the ways of the world, and that following You is better than chasing after selfish goals. Help them to take failure not as a measure of worth, but as a chance for a new start. Give them strength to hold their faith in You and to keep alive their joy in Your creation. Amen.

Rep. Leighton Pratt led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Barker, Cardin, DePecol, Mikowski, Irene Pratt, Saia and Tate, the day, illness.

Reps. Albert, Bragdon, Bridle, Case, Cooney, David Cote, Crosby, Edwards, Flora, Jeff Gilbert, Introne, Naida Kaen, Leishman, Martel, Morse, O'Keefe, Peterson, Tara Reardon, Edwin Smith, Torresen and John White, the day, important business.

Reps. DeChane and Solow, the day, illness in the family.

### INTRODUCTION OF GUESTS

Ken and Ethan Arndt, husband and son of Rep. Arndt. Rebecca Alter, daughter of Rep. Rush. Mary-Ella and Tyler Keith, daughter and grandson of Rep. Bowles. Linda and B.J. Poulin, guests of Rep. Tholl. John Pelletier, son of Reps. Marsha and Arthur Pelletier. Members of New Hampshire Association of Volunteer Administrators, guests of Rep. Gargas. Commission McConnell and Cathy Thurston, guests of the Sullivan County Delegation.

### SPECIAL GUESTS

In recognition of County Government Week, The Honorable Donald Fontaine, former County Commissioner in Sullivan County and The Honorable Steve Panagopoulos, Grafton County Commissioner and President of the New Hampshire Association of Counties, were guests of the House.

### SPECIAL ORDERS REGULAR CALENDAR PART II

**HB 364**, eliminating straight ticket voting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert E. Clegg, Jr. for the Majority of Election Law: The majority of the committee felt the disenfranchisement of voters is the last thing we need to do. Every session someone files a bill to change the way we vote and/or change the way names are placed on the ballot. More confusion is not what the voters need. Straight ticket voting has existed for years and has caused no harm to any candidate. Last week the committee voted 19-0 Ought to Pass on HB 226 which clarified the instructions for straight ticket voting. Straight ticket voting is a choice. If you do not want to vote straight ticket, you do not have to. Some wish to limit your choice as a voter. The majority of the committee believes the choice is essential to the process. Straight ticket voting is nothing more than allowing voters to choose how they want to vote. Since straight ticket voting has not caused death or injury there is no reason to change it. Vote 12-7.

Rep. Steve Vaillancourt for the Minority of Election Law: Here we go again. Attempts to eliminate straight ticket voting have consistently failed during the past several sessions. Noble ideas often fail and have to resurface several times before they ultimately see the light of day. Such is the case with straight ticket voting. This outmoded concept leads to voter confusion and serves absolutely no useful purpose whatsoever. Proponents of keeping it claim that to do otherwise is tantamount to taking away an inherent right, but that is simply not true. A voter would still be able to vote for every Republican or Democrat or even every Libertarian candidate on the ballot should that voter so choose. He or she would simply have to place a mark next to each candidate's name. In the process of doing that, the voter might decide that a candidate of another party merits support, per-

haps because that candidate knocked on the voter's door and made a favorable impression. Straight ticket voting rewards laziness and sloth. Votes in this House in the past have broken down almost entirely along party lines, Republicans opposing elimination due in large part to the perception that since there are more registered Republicans statewide, Republicans benefit. Perceptions can be wrong. Illinois Republicans pushed to ban straight ticket voting since they believed elimination would help them in the Chicago area. When straight ticket voting was finally eliminated in the state, however, Republicans were hurt because Democrats did better downstate and still held strong in Cook County. Let's put parties aside this year and do what is most likely to produce election of the most qualified, most committed candidates. The tri-partisan minority says the time has come. Elimination will not take options away from voters; it will not lead to lower voter turnout; it will eliminate confusion and reward competence.

Reps. Manning, Buckley and Vaillancourt spoke against.

Reps. Stritch, Bowles and Clegg spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

## YEAS 186 NAYS 147

### YEAS 186

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	

#### CHESHIRE

Avery, Stephen	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Roberts, William	Royce, H Charles		

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

#### GRAFTON

Alger, John	Dudley, Terri	Eaton, Stephanie	Gabler, William
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Teschner, Douglass	Ward, Brien
Williams, Burton			

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bouldin, Michael	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Drisko, Richard
Dwyer, Paul	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Golding, William	Graham, John	Greenberg, Gary
Haley, Robert	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Johnson, Lionel	Kurk, Neal
LaRose, Richard	Leach, Edward	Lessard, Rudy	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Seibel, Christopher	Tahir, Saghir	Thompson, Rob
Thulander, O Alan	Wheeler, Robert	White, Donald	

**MERRIMACK**

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hess, David	Hutchinson, John	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	MacKay, James
Poulin, David	Swindlehurst, John	Whalley, Michael	Winter, Steven

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Hill, Jonathan	Holland, James Jr	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Pitts, Jacqueline	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	Cossette, Larry
Harrington, Michael	Musler, George	Twombly, James	Woods, Phyllis

**SULLIVAN**

Flint, Gordon Sr	Jones, Constance	Leone, Richard	Odell, Bob
Rodeschin, Beverly			

**NAYS 147****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Wood, Jane
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**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Espiefs, Peter	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Russell, Ronald
Weed, Charles	Zerba, Roger		

**COOS**

Bradley, Paula	Landers, Dana	Mears, Edgar
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**GRAFTON**

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Ham, Bonnie	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Chabot, Robert	Clayton, William	Clemons, Jane
Cote, Peter	Craig, James	Daigle, Robert	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A Theresa	Duval, Jeffrey	Foster, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Guinta, Frank
Hall, Betty	Kacavas, John	Konys, Christine	L'Heureux, Robert
LaFlamme, Paul	Lasky, Bette	Lynde, Harold	McDonough-Wallace, Alice



Melcher, Harold  
Palangas, Eric  
Spiess, Paul

Messier, Irene  
Salts, Greg  
Sweeney, Cynthia

Movsesian, Lori  
Schulze, Joan  
Vaillancourt, Steve

O'Connell, Timothy  
Shaw, Barbara  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary Jane

Brewster, Richard  
Feuerstein, Martin  
Greco, Vincent  
Moore, Carol  
Rodd, Beth  
Whittemore, James

Clarke, Claire  
Fraser, Marilyn  
Hager, Elizabeth  
Owen, Derek  
Rush, Deanna  
Yeaton, Charles

Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Seldin, Gloria

### ROCKINGHAM

Blanchard, MaryAnn  
DiFruscia, Anthony  
Kelley, Jane  
Micklon, Stephanie  
Ruffner, Walter  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Downing, Michael  
Langley, Jane  
Norelli, Terie  
Shultis, Elizabeth  
Whittier, John

Clark, Vivian  
Gilbert, Karl  
Langone, John  
Pantelakos, Laura  
Splaine, James

Coes, Betsy  
Kane, Cecelia  
McGuire, Robert  
Robertson, Carl  
Trueman, Raymond

### STRAFFORD

Bickford, David  
Ferland, Paul  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Woodill, Rodney

Brown, Julie  
Goodwin, Earle  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair

Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Proulx, Raymond  
Taylor, Kathleen

Estabrook, Iris  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Wall, Janet

### SULLIVAN

Allison, David  
Franklin, Peter  
Robb, Amy

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

and the majority report was adopted.

**HB 348-FN**, prohibiting the land application of sludge in certain excavation areas. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Betty B. Hall for the Majority of Environment and Agriculture: The bill as amended by the majority of the committee replaces the entire bill with a suspension on the issuance of new permits to spread sludge on excavation areas. It applies only to gravel pits, which are located over stratified drift aquifers. The very limited prohibition sunsets in two years. Spreading of sludge on currently permitted sites can continue. The majority believes that protecting our aquifers for the next two years while we complete current research (being done here in NH) is a reasonable exercise of our responsibility for our drinking water sources. Vote 8-6.

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: The minority of the committee felt the bill is unjustified by verifiable evidence of harm, prohibits the very scientific research which could provide the evidence the proponents say they must have to end the moratorium, lays a heavy burden on taxpayers to dispose of a product that is now revenue-producing, threatens landfill capacity, makes gravel pit reclamation impractical, and incidentally takes away the livelihood of the people engaged in the industry.

### Amendment (0797h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to suspending the issuance of any permits for the land application of sludge and short paper fiber in certain excavation areas.

Amend the bill by replacing all after the enacting clause with the following:

1 Suspension of Permit Issuance. Notwithstanding any other law to the contrary, the department of environmental services shall suspend issuing any new permits for the land application of sludge

and short paper fiber, as defined in RSA 485-A:2, in any excavation area, as defined in RSA 155-E:1, VI, located over a stratified drift aquifer as determined by the most recent United States Geological Survey aquifer map or in any affected site, as defined in RSA 12-E:1, I, located over a stratified drift aquifer as determined by the most recent United States Geological Survey aquifer map.

2 Repeal. Section 1 of this act, relative to land application of sludge and short paper fiber, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This act temporarily suspends the issuance of any new permits for the land application of sludge and short paper fiber in certain excavation areas for a period of 2 years.

Adopted.

Reps. O'Connell, Melcher and Scanlan spoke against and yielded to questions.

Reps. Betty Hall and Guay spoke in favor and yielded to questions.

Rep. Owen spoke in favor.

Rep. Babson requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

### YEAS 149 NAYS 196

#### YEAS 149

#### BELKNAP

Czech, Stanley

Flanders, Donald

Pilliod, James

Wood, Jane

#### CARROLL

Bradley, Jeb

Dickinson, Howard

#### CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Dexter, Judson

Espiefs, Peter

Fairbanks, Chandler

McGuirk, Paul

Pratt, John

Richardson, Barbara

Weed, Charles

#### COOS

Bradley, Paula

Guay, Lawrence

Landers, Dana

Mears, Edgar

Rodrigue, Robert

Rozek, Michael

#### GRAFTON

Akins, Ralph

Benn, Bernard

Cooney, Mary

Eaton, Stephanie

Ham, Bonnie

Lovett, Sid

Mirski, Paul

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Teschner, Douglass

#### HILLSBOROUGH

Balcom, John

Baroody, Benjamin

Buckley, Raymond

Clayton, William

Daigle, Robert

Desrosiers, William

Drabinowicz, A Theresa

Duval, Jeffrey

Ford, Nancy

Goley, Jeffrey

Graham, John

Greenberg, Gary

Guinta, Frank

Haley, Robert

Hall, Betty

Holden, Randolph

Kacavas, John

Keye, Harvey

Konys, Christine

Lynde, Harold

Martin, Mary Ellen

McDonough-Wallace, Alice

Messier, Irene

Palangas, Eric

Schulze, Joan

Shaw, Barbara

Souza, Kathleen

Tahir, Saghir

Vaillancourt, Steve

#### MERRIMACK

Bouchard, Candace

Brewster, Richard

Clarke, Claire

Daneault, Gabriel

Davis, Frank

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent  
Langer, Ray  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

Hager, Elizabeth  
Moore, Carol  
Poulin, David  
Wallner, Mary Jane

Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whittemore, James

L'Heureux, Stephen  
Perkins, Randy  
Rush, Deanna  
Winter, Steven

## ROCKINGHAM

Bishop, Franklin  
Clark, Vivian  
Kane, Cecelia  
McGuire, Robert  
Norelli, Terie  
Power, Lucille  
Ruffner, Walter  
Varrell, Thomas

Blanchard, MaryAnn  
DiFruscia, Anthony  
Katsakiores, George  
McKinney, Betsy  
Packard, Sherman  
Quandt, Marshall  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Downing, Michael  
Kelley, Jane  
Micklon, Stephanie  
Pantelakos, Laura  
Quandt, Matthew  
Splaine, James  
Woekel, Ralph

Clark, Martha Fuller  
Hamel, Albert  
Langley, Jane  
Moore, Benjamin  
Pitts, Jacqueline  
Robertson, Carl  
Trueman, Raymond

## STRAFFORD

Brennan, William  
Ferland, Paul  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair

Callaghan, Frank  
Goodwin, Earle  
Lent, Donald  
Proulx, Raymond  
Wall, Janet

Dunlap, Patricia  
Heon, Richard  
McCarthy, Gerald  
Rollo, Michael  
Woodill, Rodney

Estabrook, Iris  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie

## SULLIVAN

Allison, David  
Franklin, Peter  
Phinzy, James

Burling, Peter  
Harris, Joseph  
Robb, Amy

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Odell, Bob

## NAYS 196

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Rosen, Ralph

Boyce, Laurie  
Millham, Alida  
Russell, David

Holbrook, Robert  
Nedeau, Stephen  
Thomas, John

Johnson, William  
Rice, Thomas Jr  
Wendelboe, Fran

## CARROLL

Babson, David Jr  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

## CHESHIRE

Avery, Stephen  
Meader, David  
Russell, Ronald

Emerson, Susan  
Mitchell, McKim  
Zerba, Roger

Hunt, John  
Roberts, William

Manning, Joseph  
Royce, H Charles

## COOS

Davis, Perley  
Stohl, Eric

Gallus, John  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

## GRAFTON

Alger, John  
Gabler, William  
Scanlan, David

Almy, Susan  
Gilman, G Michael  
Sova, Charles

Cobb, John  
Giuda, Robert  
Ward, Brien

Dudley, Terri  
Marshall, Gene  
Williams, Burton

## HILLSBOROUGH

Allan, Nelson  
Artz, Lawrence  
Bergeron, Jean-Guy

Alukonis, David  
Balboni, Michael  
Bergin, Peter

Andosca, Mary  
Batula, Peter  
Bouchard, David

Arnold, Thomas Jr  
Bellavance, Paul  
Bouldin, Michael

Brundige, Robert  
 Chabot, Robert  
 Clemons, Jane  
 Dionne, Kimberley  
 Eaton, Richard  
 Fletcher, Richard  
 Ginsburg, Ruth  
 Herman, Keith  
 Kurk, Neal  
 Lasky, Bette  
 McHugh, Claire  
 Milligan, Robert  
 Pappas, Marc  
 Salts, Greg  
 Sweeney, Cynthia  
 White, Donald

Bruno, Pierre  
 Christensen, D L Chris  
 Cote, Peter  
 Dokmo, Cynthia  
 Elliott, Larry  
 Foster, Linda  
 Golding, William  
 Hopper, Gary  
 L'Heureux, Robert  
 Leach, Edward  
 McRae, Karen  
 Moran, Edward  
 Pepino, Leo  
 Sargent, Maxwell  
 Thompson, Rob  
 Williams, Carol

Calawa, Leon Jr  
 Christiansen, Lars  
 Coughlin, Pamela  
 Drisko, Richard  
 Emerton, Lawrence Sr  
 Furman, Christine  
 Gorman, Mary  
 Jean, Loren  
 LaFlamme, Paul  
 Lefebvre, Roland  
 Melcher, Harold  
 Movsesian, Lori  
 Reeves, Sandra  
 Seibel, Christopher  
 Thulander, O Alan

Carlson, Donald  
 Clegg, Robert Jr  
 Craig, James  
 Dwyer, Paul  
 Fields, Dennis  
 Gargas, Carolyn  
 Hall, Charles  
 Johnson, Lionel  
 LaRose, Richard  
 Lessard, Rudy  
 Mercer, Robert  
 O'Connell, Timothy  
 Rowe, Robert  
 Spiess, Paul  
 Wheeler, Robert

### MERRIMACK

Anderson, Eric  
 Feuerstein, Martin  
 Kennedy, Richard  
 Swindlehurst, John

Colcord, J D  
 Fraser, Leo Jr  
 Leber, William  
 Whalley, Michael

Cummings, Raymond  
 Hess, David  
 Lockwood, Priscilla

Dunne, Christopher  
 Hutchinson, John  
 MacKay, James

### ROCKINGHAM

Arndt, Janet  
 Chalbeck, Kevin  
 Dalrymple, Janeen  
 Fesh, Bob  
 Gilbert, Karl  
 Hill, Jonathan  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Priestley, Anne  
 Sloan, Stephen  
 Weyler, Kenneth

Belanger, Ronald  
 Coes, Betsy  
 Dearborn, Bruce  
 Flanagan, Natalie  
 Giordano, Ronald  
 Holland, James Jr  
 Kelley, William  
 Major, Norman  
 Putnam, Ed II  
 Stone, Joseph  
 Whittier, John

Camm, Kevin  
 Corbin, Corey  
 Dodge, Robert  
 Flanders, John Sr  
 Gleason, John  
 Johnson, Robert  
 Kobel, Rudolph  
 Nowe, Ronald  
 Rausch, James  
 Stritch, C Donald  
 Zolla, William

Carson, Sharon  
 Cox, Russell  
 Dowling, Patricia  
 Francoeur, Sheila  
 Griffin, Mary  
 Johnson, Rogers  
 Langone, John  
 Palermo, Diane  
 Sapareto, Frank  
 Welch, David

### STRAFFORD

Berube, Roger  
 Harrington, Michael  
 Tsiros, William

Bickford, David  
 Hughes, Christopher  
 Twombly, James

Brown, Julie  
 Musler, George  
 Woods, Phyllis

Cossette, Larry  
 Taylor, Kathleen

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

and the majority report failed.

Rep. Scanlan moved Inexpedient to Legislate.

Adopted.

### HB 392, establishing a committee to study the property tax status for land of agricultural fairs. OUGHT TO PASS WITH AMENDMENT

Rep. John R. Swindlehurst for Environment and Agriculture: This bill as amended concerns the relationship between agricultural fairs and their host communities. Testimony indicated some fairs have tax problems while others do not. The committee is very concerned about the decline of agriculture in our state and believes agriculture needs all the promotion it can get. The educational aspects of agricultural fairs must be preserved. Concern was expressed that the host communities should be compensated for services they provide. This bill requires an agreement between a host community and its fair for those services. This bill does not mandate any amount of money or duration of agreement. Vote 17-1.



Rep. O'Connell moved Recommit to committee.

Adopted.

Recommitted to Environment and Agriculture.

**HB 393-FN**, relative to plant nurseries and nursery stock. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Timothy D. O'Connell for Environment and Agriculture: This bill revises the laws relative to the registration and inspection procedures for plant nurseries. All commercial producers, or sellers, of nursery stock must be licensed annually. A nursery inspector shall inspect any nursery as determined necessary by the director. Upon successful completion of an on-site inspection, a certificate will be issued by the director verifying that the nursery stock is free of plant pests or disease for distribution. Vote 14-0.

#### Amendment (0752h)

Amend RSA 433:21, I as inserted by section 1 of the bill by replacing it with the following:

I. "Certificate" means a document indicating that plant stock has been inspected and found to be apparently free from dangerous insects and plant diseases.

Amend RSA 433:21, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Director" means the state entomologist, qualified by scientific training and practical experience, directly answerable to the commissioner, in charge of and responsible for the activities of the division of plant industry.

Amend RSA 433:21, X and XI as inserted by section 1 of the bill by replacing them with the following:

X. "Horticultural services" means any arborist, landscape architect or gardening consultant whose function is that of providing services relative to horticulture.

XI. "License" means an authorization from the director to sell plant stock.

Amend RSA 433:23 as inserted by section 3 of the bill by replacing it with the following:

433:23 Certified Stock. All nursery stock shipped into New Hampshire shall bear on each consignment or package ~~[an unexpired]~~ a valid license or certificate *number indicating* that the contents of that consignment or package have been inspected by a duly authorized inspecting officer, and that the contents are apparently free from all dangerous insects and plant diseases, and are therefore certified stock.

Amend RSA 433:28, V as inserted by section 5 of the bill by replacing it with the following:

*V. Nursery stock infected with plant diseases or infested with plant pests shall not be offered for sale or given away.*

Amend RSA 433:32, I(a) as inserted by section 10 of the bill by replacing it with the following:

(a) Selling, distributing, receiving, or delivering nursery stock which has not been licensed or certified.

Adopted.

Report adopted and ordered to third reading.

**HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species. **INEXPEDIENT TO LEGISLATE**

Rep. Burton W. Williams for Environment and Agriculture: The committee feels that the commissioner has the authority to accomplish this already. It would require unnecessary general fund expenditures. Vote 16-2.

Rep. Babson moved Recommit to committee.

Adopted.

Recommitted to Environment and Agriculture.

**HB 610**, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: This bill replaces the long-standing agricultural traditions of New Hampshire. It allows distribution of unpasteurized milk, cheese and cider to certain customers. Vote 13-0.

#### Amendment (0705h)

Amend the bill by replacing all after the enacting clause with the following:

1 Sale of Dairy Products; Sale of Raw Milk Cheese Allowed. Amend RSA 184:30-a to read as follows:

184:30-a Pasteurization Required. No milk or milk products as defined in RSA 184:79 shall be sold, offered for sale or served unless pasteurized. This shall not serve to prohibit the direct sale of raw milk or cream from the producer, store or milk pasteurization plant to the final consumer, or milk or cream from a producer to stores, nor the serving of raw milk at bona fide boarding houses where the milk is produced on the premises, provided that in the dining room of such boarding houses a sign is prominently displayed stating that such raw milk is served therein, *nor the sale within the state of cheese made from raw milk when such cheese has been aged a minimum of 60 days at 35 degrees fahrenheit or colder, and is clearly labeled as unpasteurized.*

2 New Paragraph; Manufacture and Sale of Unpasteurized Cider. Amend RSA 434:40-b by inserting after paragraph IV the following new paragraph:

V. That unpasteurized cider may be sold within the state if such cider is clearly labeled as unpasteurized.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill allows the sale of cheese made from raw milk if such cheese is aged for 60 days and the sale of unpasteurized apple cider within the state. Such products shall be clearly labeled as unpasteurized.

Adopted.

Report adopted and ordered to third reading.

### **HB 625-FN**, establishing a moratorium on the land application of class B biosolids. **INEXPEDIENT TO LEGISLATE**

Rep. Richard P. Brewster for Environment and Agriculture: This bill would mandate a moratorium on land application of biosolids. It was felt this would not be appropriate at this time. Vote 10-7. Rep. Betty Hall and Owen spoke against.

Rep. Melcher and Babson spoke in favor.

Adopted.

### **HB 676-L**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. **OUGHT TO PASS WITH AMENDMENT**

Rep. George T. Musler for Environment and Agriculture: The intent of this study is to address relieving increased demand on landfills and to provide an "end-point" for certain components of the municipal solid waste stream, both at the municipal level and from existing waste districts. Particular attention will be given to creating collection points in order to market certain components in the waste stream, taking into consideration the concept of economy of scale. Vote 16-0.

### **Amendment (0621h)**

Amend the bill by replacing sections 2 and 3 with the following:

#### 2 Membership and Compensation.

##### I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house, including one member of the environment and agriculture committee and one member of the municipal and county government committee.

(b) Three members of the senate, appointed by the president of the senate, including one member of the environment committee and one member of the ways and means committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the creation of enabling legislation for the formation of regional districts for collection and marketing of certain components in the solid waste stream including, but not limited to, aluminum, steel, various metals, newsprint, plastics, and glass, and the collection of other post-consumer wastes. The purpose of such districts shall be to reduce toxicity in the solid waste stream, reduce the amount of solid waste destined for disposal, and allow increased public sector management of waste materials. A component of proposed legislation shall be state reimbursement of costs to municipalities that are members of such regional districts.

Adopted.

Report adopted and ordered to third reading.

**HB 105-FN-A**, establishing an agricultural nutrient management program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: The amendment creates a program to help farmers and other livestock owners protect water quality by managing nutrients, like manure, from agricultural sources according to Best Management Practices on a voluntary basis through small grants. The original bill created a designated fund. The amendment removes this mechanism and also calls for a report on the status of the program each year beginning in October 2002 by the Commissioner of Agriculture. \$20,000 appropriated each year from fees currently generated by fertilizer registration and inspection will be matched by \$30,000 Department of Environmental Services Federal Clean Water Act grant money for the purpose of this program. The Commissioners of Agriculture and Environmental Services strongly support this bill. Vote 20-0.

#### **Amendment (0610h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Agricultural Nutrient Management Program. Amend RSA 431 by inserting after section 35 the following new subdivision:

#### **Agricultural Nutrient Management Program**

##### **431:36 Program Established.**

I. The commissioner of the department of agriculture, markets, and food shall establish an agricultural nutrient management program. The program shall assist agricultural land and livestock owners with efforts to minimize potential adverse effects on waters of the state resulting from agricultural nutrients including fertilizers, animal manures, and agricultural compost. The purpose of the program shall be to provide educational, technical, and financial assistance to agricultural land owners with implementing best management practices as provided in RSA 431:34-35, and such other practices deemed necessary to mitigate water pollution. The goal of the program is to assist and enable the continued viability of farming in New Hampshire and the preservation of open space in a manner that is compatible with the state's public health and environmental objectives. The commissioner shall be authorized to accept grants, gifts, and donations from any public or private sources for the purposes stated in this paragraph.

II. The commissioner shall report by October 1 of each year, beginning 2002, to the house environment and agriculture committee, the senate environment committee, the house finance committee, and the senate finance committee. The report shall include:

- (a) The use and current status of the fund;
- (b) The work accomplished;
- (c) The number of grantees and the amount of the grant received by each; and
- (d) The effectiveness of the implementation of agricultural best management practices needed to more fully protect water quality.

##### **2 Appropriations.**

I. The sum of \$20,000 is appropriated to the department of agriculture for each year of the biennium, ending June 30, 2003, for the purpose of funding the agricultural nutrient management program established under RSA 431:36. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II The commissioner shall apply for a grant of \$30,000 through the department of environmental services from the Environmental Protection Agency pursuant to section 319 of the Clean Water Act for nonpoint source pollution programs.

3 Effective Date. This act shall take effect July 1, 2001.

#### **AMENDED ANALYSIS**

This bill requires the commissioner of the department of agriculture, markets, and food to establish a program of agricultural nutrient management in the state of New Hampshire. This bill provides for funding through June 30, 2003, and requires the commissioner to apply for a grant from the department of environmental services.

Adopted.

Report adopted and ordered to third reading.

**HB 177-FN-A**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**



Rep. Beverly T. Rodeschin for Finance: This bill, as amended, appropriates up to \$25,000 for the purchase of a wheelchair van for the Veterans' Home in Tilton. The funds are to be matched by private donations on a dollar-for-dollar basis. The appropriation is against an expected FY 01 surplus, but the funds may be drawn anytime before June 30, 2002. The amendment is acceptable to the Veterans' Home. Vote 21-0.

Amendment (0465h)

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Department of Administrative Services; Wheelchair Van for Veterans' Home. The sum of up to \$25,000 is hereby appropriated for the fiscal year ending June 30, 2001 to the department of administrative services, for the purpose of matching private donations on a dollar per dollar basis for the purchase of a wheelchair van for the veterans' home in the town of Tilton. This appropriation shall not lapse until June 30, 2002. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates state funds to match private donations for the purchase of a wheelchair van for the veterans' home in Tilton.

Adopted.

Report adopted and ordered to third reading.

HB 270-FN, increasing the mileage reimbursement rate for members of the legislature. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: This bill deals with an issue that has been avoided for decades – reimbursement to members. Members work hard for others and this bill is overdue. It increases by \$.04 a mile the allowance effective for members in the next session. Vote 17-4.

Amendment (0695h)

Amend the bill by replacing all after the enacting clause with the following:

1 General Court; Travel Allowance to Members. Amend RSA 14:15-a, I, (b)(1) and (2) to read as follows:

(1) For the first 45 miles, [~~\$.38~~] **\$.42** per mile; and

(2) For all miles in excess of 45 miles, [~~\$.19~~] **\$.23** per mile.

2 Application. The rules for travel allowance for members of the general court provided for in RSA 14:15-a, I(b)(1) and (2) as amended by section 1 of this act shall be used for the calculation of reimbursement to members beginning on or after December 4, 2002.

3 Effective Date. This act shall take effect December 4, 2002.

Adopted.

Rep. Holden requested a roll call; sufficiently seconded.

The question being adoption of the report.

YEAS 230 NAYS 97

YEAS 230  
BELKNAP

Boyce, Laurie	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Russell, David	Thomas, John
Wendelboe, Fran	Wood, Jane		

CARROLL

Bradley, Jeb	Dickinson, Howard	Lyman, L Randy	Patten, Betsey
Philbrick, Donald	Stevens, Stanley	Sullivan, P Judith	

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Emerson, Susan	Espiefs, Peter	Hunt, John
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Roberts, William	Royce, H Charles
Russell, Ronald	Weed, Charles	Zerba, Roger	



**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Almy, Susan	Cooney, Mary	Dudley, Terri
Gabler, William	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Teschner, Douglass	Ward, Brien		

**HILLSBOROUGH**

Alukonis, David	Artz, Lawrence	Batula, Peter	Bellavance, Paul
Bergin, Peter	Bouchard, David	Brundige, Robert	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Coughlin, Pamela	Daigle, Robert
Dionne, Kimberley	Drabinowicz, A Theresa	Drisko, Richard	Dyer, Merton
Eaton, Richard	Emerton, Lawrence Sr	Fletcher, Richard	Ford, Nancy
Foster, Linda	Furman, Christine	Gargaszy, Carolyn	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Guinta, Frank
Hall, Betty	Hall, Charles	Herman, Keith	Jean, Loren
Johnson, Lionel	Kurk, Neal	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Lefebvre, Roland	Lessard, Rudy	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	O'Connell, Timothy	Pappas, Marc	Pepino, Leo
Rowe, Robert	Sargent, Maxwell	Schulze, Joan	Seibel, Christopher
Spiess, Paul	Sweeney, Cynthia	Vaillancourt, Steve	Wheeler, Robert
White, Donald	Williams, Carol		

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Clarke, Claire	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Dunne, Christopher	Feuerstein, Martin
Fraser, Leo Jr	French, Barbara	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen
Leber, William	MacKay, James	Moore, Carol	Perkins, Randy
Poulin, David	Rush, Deanna	Swindlehurst, John	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Coes, Betsy
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dodge, Robert	Dowling, Patricia	Downing, Michael	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Henderson, Warren	Holland, James Jr
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	Micklon, Stephanie
Moore, Benjamin	Nowe, Ronald	Pantelakos, Laura	Rausch, James
Ruffner, Walter	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stone, Joseph	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas			

**STRAFFORD**

Bickford, David	Brown, Julie	Callaghan, Frank	Cossette, Larry
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Heon, Richard	Johnson, Nancy	Knowles, William	McCarthy, Gerald

Musler, George  
Rollo, Michael

Pelletier, Arthur  
Snyder, Clair

Pelletier, Marsha  
Taylor, Kathleen

Proulx, Raymond  
Woodill, Rodney

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Odell, Bob

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra

### NAYS 97

### BELKNAP

Bartlett, Gordon  
Pilliod, James

Dewhirst, Glenn  
Rice, Thomas Jr

Johnson, William  
Rosen, Ralph

Millham, Alida

### CARROLL

Babson, David Jr

Kenney, Joseph

Mock, Henry

### CHESHIRE

Fairbanks, Chandler

### COOS

Gallus, John

Rodrigue, Robert

### GRAFTON

Alger, John  
Lovett, Sid

Benn, Bernard  
Mirski, Paul

Cobb, John  
Sova, Charles

Giuda, Robert  
Williams, Burton

### HILLSBOROUGH

Andosca, Mary  
Bergeron, Jean-Guy  
Christiansen, Lars  
Dokmo, Cynthia  
Golding, William  
Kacavas, John  
Lasky, Bette  
Souza, Kathleen

Arnold, Thomas Jr  
Bruno, Pierre  
Clegg, Robert Jr  
Dwyer, Paul  
Greenberg, Gary  
Keye, Harvey  
Movsesian, Lori  
Tahir, Saghir

Balboni, Michael  
Buckley, Raymond  
Cote, Peter  
Elliott, Larry  
Holden, Randolph  
Konys, Christine  
Panagopoulos, Nicholas  
Thompson, Rob

Balcom, John  
Calawa, Leon Jr  
Craig, James  
Fields, Dennis  
Hopper, Gary  
L'Heureux, Robert  
Salts, Greg  
Thulander, O Alan

### MERRIMACK

Bouchard, Candace  
Langer, Ray  
Yeaton, Charles

Davis, Frank  
Lockwood, Priscilla

Fraser, Marilyn  
Owen, Derek

Gile, Mary  
Rodd, Beth

### ROCKINGHAM

Clark, Vivian  
Hill, Jonathan  
Kelley, William  
Pitts, Jacqueline  
Quandt, Marshall  
Welch, David

DiFruscia, Anthony  
Hutchinson, Karen  
McKinney, Betsy  
Power, Lucille  
Quandt, Matthew  
Whittier, John

Fesh, Bob  
Itse, Daniel  
Packard, Sherman  
Priestley, Anne  
Robertson, Carl  
Woekel, Ralph

Hamel, Albert  
Johnson, Rogers  
Palermo, Diane  
Putnam, Ed II  
Weatherspoon, Jacquelyne  
Zolla, William

### STRAFFORD

Berube, Roger  
Hughes, Christopher  
Wall, Janet

Brennan, William  
Lent, Donald

Dunlap, Patricia  
Smith, Marjorie

Harrington, Michael  
Tomboly, James

### SULLIVAN

Robb, Amy

Rodeschin, Beverly

and the report was adopted.

Ordered to third reading.

Rep. Phyllis Woods did not vote and wished to be recorded against.

**HB 276-FN-A**, relative to reimbursement of legal fees of supreme court employees who retained counsel during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: The Finance Committee felt that the Supreme Court employees should not have to bear the cost of hiring attorneys to represent them in the unusual Judge Brock case. The appropriation would be \$7,354. to cover this cost. Vote 19-0.

#### **Amendment (0609h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Appropriation; Reimbursement of Legal Fees of Supreme Court Employees. The sum of \$7354 is appropriated for the fiscal year ending June 30, 2002 to the supreme court, for the purpose of reimbursing supreme court employees who were subpoenaed during the impeachment proceedings regarding chief justice David A. Brock and incurred legal fees. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

#### **AMENDED ANALYSIS**

This bill makes an appropriation to the supreme court to reimburse supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock.

Adopted.

Report adopted and ordered to third reading.

Rep. Kacavas declared a conflict of interest and did not participate.

**HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill eliminates the expenditure for additional normal retirement contributions and replaces it with amortization payments for \$5.25 million of bonds. In FY 02, state expenditures will increase by \$1174; FY 03 general fund expenditures will decrease by \$38,000. Vote 17-0.

Adopted and ordered to third reading.

**HB 295-FN**, relative to medicaid recoveries from third party settlements. **OUGHT TO PASS**

Rep. Francine Wendelboe for Finance: This bill is a request of the Department of Health and Human Services and deals with reimbursement to the state for medicaid services provided for services to a low income person who later receives a third party settlement payment for their injury. Current practice allows the injured party to retain 10% of the award, allows 33% for attorney fees, then the balance is applied to the expenditures made by the state for the injured party's care. If there are funds remaining after full reimbursement to the state, any remaining funds go to the injured party.

Trial attorneys have challenged the 10% level in attempts to get a greater pro rata share for the injured party. The Department testified this costs almost \$10,000 per case when a challenge occurs and explained this legislation would put the policy into statute. If this legislation fails, more cases – perhaps all cases – would be taken to court for a judge to decide the percentage. This would potentially eliminate the state reimbursement for all monies expended by the state on the injured party's behalf. Vote 12-9.

Adopted and ordered to third reading.

**HB 328-FN-L**, relative to fees of sheriffs and deputy sheriffs. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The committee felt that the increase to \$15 from \$10 in the fees charged for the service of civil writs was warranted given the associated increase in costs and that the bailiffs' rates in this bill were consistent with other courts and the budget and therefore should be supported. Vote 14-6.

Rep. Jacobson spoke against.

Rep. Wheeler spoke in favor.

On a division vote, 251 members having voted in the affirmative and 58 in the negative, the report was adopted.

Ordered to third reading.

**HB 350-FN**, relative to persons with disabilities participating in the work incentive program. **OUGHT TO PASS**

Rep. Francine Wendelboe for Finance: This legislation will create opportunities for persons with significant disabilities to obtain employment and work towards greater independence and self-sufficiency. Unfortunately, under current state law, most of these individuals would lose their medicare benefits if they earn above a certain income limit. Even if their employment offers health insurance, most employer-sponsored health plans do not cover the long-term supports needed by these individuals. The loss of these essential services prevents many disabled individuals from working according to their full capacity, keeping them in poverty and dependent upon cash assistance and other state programs.

In the fall of 1999 Congress unanimously passed an act that allows for a number of changes to medicaid and employment laws to enable these individuals to work but still retain their critical care services under medicaid. This bill would enable these changes to take place in New Hampshire. The employed disabled worker would pay, on a sliding fee scale, part of the cost of the continued medicaid coverage. This legislation is part of an ongoing effort to create better health care options for adults with disabilities who are employed, as directed by SB 183 of the 1999 legislature. The \$500,000 cost in FY 02 and the \$700,000 cost in FY 03 will be included in the budget. Vote 21-0. Adopted and ordered to third reading.

**HB 354-FN-A-L**, extending the kindergarten construction program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: Four years ago the state made a promise to local school districts to encourage them to add public kindergarten. We said we would pay 75% of their building costs. Twenty-five of the districts without kindergarten have now voted it in. This bill, by extending the program for two more years, keeps our promise to our school districts. Vote 18-3.

**Amendment (0855h)**

Amend the bill by replacing all after section 1 with the following:

2 Statement of Intent. It is the intent of the general court to extend the kindergarten construction program to provide grants to offset a substantial portion of the cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities, to any eligible school district which does not operate a kindergarten program, and which has voted to adopt kindergarten in the district.

3 Kindergarten Construction Program; Appropriation Amended. Amend 1997, 348:6 to read as follows:

348:6 Appropriation; Kindergarten Construction. A sum not to exceed [~~\$22,500,000~~] **\$24,000,001** hereby appropriated to the department of education for the purposes of constructing kindergarten classrooms. This appropriation shall be non-lapsing and in addition to any other appropriation to the department of education; provided, however, that the department of education shall not approve grant requests for such purposes for more than:

- I. \$6,000,000 in the biennium ending June 30, 1999.
- II. \$5,000,000 in the fiscal year ending June 30, 2000.
- III. \$5,000,000 in the fiscal year ending June 30, 2001.
- IV. [~~\$6,500,000~~] **\$7,000,000** in the fiscal year ending June 30, 2002.
- V. **\$1,000,000 in the fiscal year ending June 30, 2003.**
- VI. **\$1 in the fiscal year ending June 30, 2004.**

4 Kindergarten Construction Program; Bonding Amount Amended. Amend 1997, 348:7, I as amended by 1997, 351:56 to read as follows:

348:7 Bonds Authorized.

I. To provide funds for the appropriation made in section 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$22,500,000~~] **\$24,000,001** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided that bonds or notes shall not be issued in excess of:

- (a) \$6,000,000 in the biennium ending June 30, 1999.
- (b) \$5,000,000 in the fiscal year ending June 30, 2000.
- (c) \$5,000,000 in the fiscal year ending June 30, 2001.
- (d) [~~\$6,500,000~~] **\$7,000,000** in the fiscal year ending June 30, 2002.



*(e) \$1,000,000 in the fiscal year ending June 30, 2003.*

*(f) \$1 in the fiscal year ending June 30, 2004.*

5 Effective Date. This act shall take effect July 1, 2001.

#### AMENDED ANALYSIS

This bill extends the kindergarten construction program through the fiscal year ending June 30, 2004 and increases by \$1,500,001 the amount of the bonded appropriation for the kindergarten construction program.

Adopted.

Report adopted and ordered to third reading.

**HB 537-FN-A**, relative to the land and community heritage investment program and the state's travel and tourism promotion and development effort and making appropriations therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert L. Wheeler for Finance: It was felt by the committee that this is an important issue and belongs in the budget. Its purpose, funding, and administrative process are contained in HB 1 and HB 2 and therefore we recommend Inexpedient to Legislate. Vote 18-4.

Adopted.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 587-FN-A**, establishing a commission on the status of men, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Paul J. Dwyer, Sr. for Finance: The Committee does not feel that at this time new dollars can be spent for staff, rent, phones and other expenditures to establish a new commission, however well-intended. Vote 13-8.

Rep. Kurk moved Recommit to committee.

Adopted.

Recommitted to Finance.

**HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill allows, but does not require, the Commissioner of Administrative Services to contract for a self-insured group health plan for state employees. This issue was studied, and with an ever-shrinking number of carriers in the state this additional option becomes quite attractive. If the Department of Administrative Services elects this option, a reserve fund to cover certain claims and expenses is required. Vote 16-5.

Adopted and ordered to third reading.

**HB 658-FN-A**, relative to the homeless prevention fund and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Francine Wendelboe for the Majority of Finance: The subject of homelessness is a complex one that encompasses many reasons for someone becoming homeless – from a shortage of affordable housing, to high rents, to behavioral problems, to people who just hit a rough spot of short duration. This legislation would require the state to fund \$1 for every \$3 provided by private donors up to a maximum of 1 million state dollars. The sponsor testified there are two sources interested in donating \$2 million but for confidentiality reasons could not name the source or give definite assurances of a permanent commitment of funding in subsequent years. This raised concerns of the state being expected to increase the state level in future years.

Most importantly, this would contradict the intent of SB 1 of the 1985 session which was a negotiated commitment between the municipalities, counties, and the state on who pays for certain social services. Prior to SB 1 being enacted, municipalities were responsible for all general welfare assistance, aid to the permanently and totally disabled (APTD), nursing home care and juvenile costs for one year. In exchange for municipalities fully being responsible for general assistance, the county and state starting being liable for APTD, nursing home care and juvenile costs from day one. This bill, in essence, proposes that the state take back that responsibility. At the very least, it would create confusion about who should provide assistance and it would also create the need for all kinds of checking to avoid double dipping.

In addition to the town assistance required under law, there already exist many other sources to assist people who face homelessness. The Housing Finance Authority has an emergency rent pro-

gram which funds up to three months rent for 400 people. The Department of Health and Human Services has \$1.3 million a year for temporary assistance. Many churches and private and non-profit entities provide help for rent, food, and utilities. A new fund of \$10.9 million a year will become available this year. This fund was created by a mil tax on all non-municipal electric utility customers. These funds will be used to pay the utility costs of low-income people so that they will pay no more than 6% of their income on electricity – even if they have electric heat.

Many other sources of assistance are available including the new funding amount for utilities. Also, there are other pieces of legislation coming from the Senate which may help address the non-general assistance causes of homelessness. Finally, when SB 128 (which created the study committee on homelessness) passed last year, there was a clear expression reflected in the minutes that there be no general funds considered. In fact, the blurb specifically showed the legislative intent in SB 128 being passed was that it was amended to remove any reference to the general fund and even removed the \$1.00 original general fund appropriation.

While the Committee is sympathetic to homelessness, for all the reasons above stated, the majority of the Committee recommends Inexpedient to Legislate. Vote 12-10

Rep. Marjorie K. Smith for the Minority of Finance: Last year the legislature passed and the governor signed into law SB 128, which created the Homeless Prevention Fund. The legislature recognized overwhelmingly that prevention is far more cost effective – and likely to succeed – than attempts to put the pieces back together once a family has lost its home. Homelessness breeds unemployment and contributes to school failure. The costs of homelessness are enormous to the family and to society. This bill, as passed by the Health and Human Services Committee with a unanimous vote, matches one state dollar with three private dollars, leveraging limited state dollars to attract private dollars that might not otherwise be spent in this way. This bill gives priorities to very low income persons or families in which one or more adults in the family are working or in an employment training program, there is a minor child or a disabled person.

Rep. Kurk moved Recommit to committee.

Adopted.

Recommitted to Finance.

**HB 693**, rescinding the prohibition on the possession and use of tobacco products by minors and making tobacco use prevention programs in secondary schools the priority of the tobacco use prevention fund. **INEXPEDIENT TO LEGISLATE**

Rep. Richard J. LaRose for Finance: The substance of this bill revolves around two issues – one of policy and one of finance. The policy issue is whether to repeal RSA 126-K:6 that criminalizes the possession of tobacco products by minors. Many Committee members thought that the sponsor should consider legislation for the next session so that a policy committee might deal with this matter. The second issue dealt with increasing the funding for tobacco prevention to \$6 million annually from its current \$3 million level by reducing the amount of the tobacco settlement money going to the education trust fund. The Department of Health and Human Services testified in opposition to this increase because it would not be consistent with its task force's recommendation and the state's plan. Consequently the Committee recommends this bill be Inexpedient to Legislate. Vote 14-7.

Adopted.

**HB 152-FN**, relative to expanding the legal methods of taking game animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. L'Heureux for the Majority of Fish and Game: This bill is the result of HB 1152 filed in House Session 2000 which was assigned to a sub-committee for interim study. In addition to the public hearing before the Fish and Game Committee in the LOB, Saturday work sessions were held in Lancaster, Concord, and Keene to obtain public input. Based upon research, pertinent public testimony and extensive review of materials submitted, it was determined that the establishment of a crossbow season as cited in HB 1152 fell under the authority of the Fish and Game Department and not the Legislature. HB 152 as amended, grants this authority to the Fish and Game Department. Once this authority is established, the Fish and Game Department will develop the necessary rules and regulations under RSA 541-A:1 to expand the legal method of taking of game to include crossbows. As amended, this bill has the support of sportsmen, the New Hampshire Wildlife Federation and the Fish and Game Department. Vote 9-8.

Rep. Eric G. Stohl for the Minority of Fish and Game: This bill in its original form, was brought before this committee about four years ago. It was studied statewide for an extended period of time. There was support as well as objections from sportsmen everywhere. The objections seemed to center around the fact of the use of the crossbow during the archery season. If this bill was to become law, the minority also feels that a major law enforcement issue will arise. The archery season does overlap the firearms season, raises the issue of whether a deer was shot with a crossbow or a regular bow. In addition, there are two deer tags that are allowed for archery hunting. We feel this may possibly lead someone to shoot the animals with a crossbow rather than a bow, which would be impossible for a Conservation Officer to prove either way. The minority feels that the main intent of this bill is to allow the use of crossbows in the archery season by all hunters. The use of crossbows for hunting deer in New Hampshire today is restricted to persons with disabilities that prevent them from using conventional bows. The minority feels that the existing law governing the use of crossbows in New Hampshire should remain as is; for use only by individuals that cannot operate a conventional bow.

#### **Amendment (0009h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to expanding the legal methods of taking deer.

Amend the bill by replacing all after section 1 with the following:

2 New Section: Taking Deer by Crossbow; Rulemaking. Amend RSA 208 by inserting after section 7 the following new section:

208:7-a Taking Deer by Crossbow; Rulemaking. The executive director of fish and game, with the consent of the commission, may adopt rules under RSA 541-A to allow for the taking of deer by crossbow during the regular firearms season, for persons holding a valid firearms deer tag, or as specified in RSA 206:23-c. Such rules may include, but not be limited to, conditions or limitations as to the portions of the state crossbows may be used, the manner and method of taking with a crossbow, mandatory education requirements for the use of a crossbow, and any additional licensing requirements and associated fees.

3 Effective Date. This act shall take effect January 1, 2003.

#### **AMENDED ANALYSIS**

This bill expands the permitted methods of hunting deer to include crossbow for persons holding a firearms deer tag and adds a rulemaking provision allowing the executive director of fish and game to adopt rules regarding the regulation and use of crossbow.

Adopted.

On a division vote, 196 members having voted in the affirmative and 114 in the negative, the majority report was adopted.

Ordered to third reading.

#### **HB 720, relative to permitting the use of certain firearms for hunting deer. OUGHT TO PASS WITH AMENDMENT**

Rep. Gary S. Hopper for Fish and Game: This bill increases the options for hunters, to allow certain handguns that have a similar trajectory to the shotguns already used in shotgun only areas. Handguns are currently legal for hunters in the state except these areas. Vote 14-2.

#### **Amendment (0789h)**

Amend the bill by replacing section 3 with the following:

3 New Section; Taking of Deer; Pistols Permitted; Rounds Limited. Amend RSA 208 by inserting after section 3-c the following new section:

208:3-d Pistols Permitted. Pistols permitted under RSA 208:3, 3-a, 3-b, and 3-c shall include a .357 Magnum, 10mm Automatic, .41 Remington, .44 Magnum, .45 Long Colt, .480 Ruger, provided that no pistol used for taking deer under this section shall be loaded with more than 5 rounds of ammunition at any time.

Adopted.

Report adopted and ordered to third reading.

#### **HB 760-FN, relative to the possession of silencing devices and relative to the use of silencing devices for taking game. OUGHT TO PASS WITH AMENDMENT**



Rep. Thomas A. Varrell for Fish and Game: This bill modifies RSA 207:4 which was inserted into the statutes in 1947. The original intent was to prevent the "taking of game" with a firearm equipped with a device to silence or muffle the sound of a gunshot. In 1955 these sections were recodified and the chapter heading which identifies the purpose "for the taking of game" was relocated to an index in Chapter 207. Thus the original intent became vague when read separately from the title. HB 760-FN clarifies the original intent of prohibiting the taking of wildlife with a silenced firearm, but allows the department of Fish and Game to grant a depredation permit which would allow a landowner to use a lawfully obtained silencing device under such a permit. Currently, there are more than eight hundred silencing devices lawfully possessed by New Hampshire citizens. These devices are strictly controlled and registered by the United States Department of the Treasury; and any transfer of ownership of such devices is through a federally licensed Class III firearms dealer accompanied by an extensive background investigation and waiting period of four months plus payment of a two hundred dollar transfer tax. This amended bill will not affect those registered devices lawfully possessed in the State of New Hampshire. Vote 17-0.

### Amendment (0615h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the use of silencing devices for taking game.

Amend the bill by replacing all after the enacting clause with the following:

1 Fish and Game; Silencing Devices Amended. Amend RSA 207:4 to read as follows:

207:4 Silencing Devices.

*I. No person shall ~~sell, offer for sale, use, have in his possession, any gun,~~ possess a rifle, pistol, or other firearm fitted or contrived with any silencer or device for deadening the sound of explosion, for the purpose of taking wildlife. Nothing in this section shall prohibit the use of a muzzle brake, polychoke, or compensator.*

*II. Nothing in this section shall prohibit a person who has obtained a depredation permit issued by the executive director of fish and game from taking wildlife under such permit using a lawfully obtained silencing device.*

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill clarifies existing law prohibiting the taking of wildlife using a silencing device, and provides that a person who has obtained a depredation permit shall be exempt from this prohibition for the purpose of taking wildlife under the permit.

Adopted.

Report adopted and ordered to third reading.

**HB 463-FN**, relative to protective services to adults. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill improves the procedures and guidelines needed in protecting vulnerable elderly from exploitation, abuse and neglect. It also improves the liability protection of those who, in good faith, report such wrongdoing. The amendment tightens up language that was overly broad in its scope in the original version. A revised fiscal note by the Administrative Office of the Courts to the Department of Health and Human Services states that there is no fiscal impact – state, county or local. Vote 16-0.

### Amendment (0741h)

Amend RSA 161-F:43, VII as inserted by section 3 of the bill by replacing it with the following:

*VII. "Vulnerable" means that the physical, mental, or emotional ability of a person is such that the person is unable to protect his or her own rights and interests or to manage personal, home, or financial affairs without assistance or support.*

Amend the bill by replacing sections 4-8 with the following:

4 Clarification of Reporting Requirements. Amend the introductory paragraph of RSA 161-F:46 to read as follows:

Any person, including, but not limited to, physicians, other health care professionals, social workers, clergy, *financial officers* and law enforcement officials, ~~[having reason to believe]~~ *suspecting or believing in good faith* that any ~~[incapacitated]~~ adult ~~[protected under the provisions of~~



this subdivision] *who is or who is suspected to be vulnerable* has been subjected to [physical] abuse, neglect, *self-neglect*, or exploitation or is living in hazardous conditions shall report or cause a report to be made as follows:

5 Immunity From Liability. Amend RSA 161-F:47 to read as follows:

161-F:47 Immunity From Liability. Any person or agency, other than an alleged perpetrator, participating in good faith in the making of a report of an alleged incident of adult abuse, neglect or exploitation *or providing information relative to such incident* shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any [such participant] *person or agency providing information in good faith, including materials requested by the department pursuant to RSA 161-F:56*, shall have the same immunity with respect to participation in any investigation by the commissioner or his authorized representative or in any judicial proceeding resulting from such report.

6 "Incapacitated" Changed to "Vulnerable." Amend RSA 161-F:51 to read as follows:

161-F:51 Duties and Responsibilities.

I. The commissioner or his *or her* authorized representative, upon the substantiation of a report of abuse, neglect, or exploitation of [an incapacitated] *a vulnerable* adult, shall provide, when necessary, protective services to such adults.

II. The commissioner or his *or her* authorized representative shall refer all cases of serious bodily injury to [an incapacitated] *a vulnerable* adult *known or suspected to be the result of abuse, neglect, or exploitation to local law enforcement*, the department of justice or to the county attorney for possible criminal prosecution. The commissioner or his *or her* authorized representative [may] *shall* also report other cases of abuse, neglect, or exploitation [as he deems appropriate, under procedures to be developed jointly by the department and the attorney general.] *to local law enforcement*, the department of justice, or [to] the office of the county attorney for possible criminal prosecution *if there is reason to believe a crime has been committed*.

7 "Incapacitated" Changed to "Vulnerable." Amend RSA 161-F:53 to read as follows:

161-F:53 Entry of Premises. If either [an incapacitated] *a vulnerable* adult reported or suspected of being abused, neglected, or exploited refuses, or a caretaker or caregiver refuses, to allow the representative of the department entrance to the premises for the purpose of investigating a report of abuse, neglect, or exploitation, the probate court, in the county where the adult is found, upon a finding of probable cause, may order an authorized representative of the commissioner, a police officer, or other authorized individual to enter said premises in furtherance of such investigation.

8 Reference to Financial Records Added; Petition to Probate Court Authorized. Amend RSA 161-F:56 to read as follows:

161-F:56 Access to Information. In the course of an investigation conducted pursuant to this subdivision, the department's authorized representative may make any inquiries and obtain such information as is necessary to further such investigation. The department's authorized representative may review and photocopy any books, files, medical records, *photographs, financial records*, or other records *on any medium* that pertain to patients, residents, clients or alleged victims of abuse, neglect, or exploitation. *In the event any person or agency refuses to allow the department access to materials necessary to further its investigation, the probate court, upon a finding of probable cause, may order the person or agency to release its records to the department.*

Adopted.

Report adopted and ordered to third reading.

CACR 5, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This CACR restores the legislature's constitutional right to initiate and regulate by statute the administration of, and the practice, procedure, and rules of evidence in, all courts of the state. The court retains its rulemaking powers but the legislature may also be able to regulate these matters by statute. In the event of conflict, the statute prevails over the rule provided that the statute is otherwise constitutional. HB 252 is a companion bill to this CACR and provides its detail. Vote 15-1.

#### Amendment (0873h)

Amend the title of the resolution by replacing it with the following:

RELATING TO: the rulemaking authority of the supreme court.

**PROVIDING THAT:** supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

Amend the resolution by replacing paragraph I with the following:

I. That article 73-a of the second part of the constitution be repealed and reenacted to read as follows:

[Art.] 73-a. [Supreme Court Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. The chief justice shall, with the concurrence of a majority of the supreme court justices, have the power by rule to regulate the administration of, and the practice, procedure, and rules of evidence in, all courts in the state. The rules so adopted shall have the force and effect of law. Notwithstanding part I, article 37, the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court. In the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:  
 "Are you in favor of amending article 73-a of the second part of the constitution to read as follows:

[Art.] 73-a. [Supreme Court Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. The chief justice shall, with the concurrence of a majority of the supreme court justices, have the power by rule to regulate the administration of, and the practice, procedure, and rules of evidence in, all courts in the state. The rules so adopted shall have the force and effect of law. Notwithstanding part I, article 37, the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court. In the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule."

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court. The resolution also provides that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

Adopted.

Rep. Frances Potter spoke against.

Reps. Phyllis Woods and Jacobson spoke in favor.

Reps. Craig and Reid spoke in favor and yielded to questions.

Rep. Hess requested a roll call; sufficiently seconded.

The question being the adoption of the report.

#### YEAS 290 NAYS 48

##### YEAS 290

##### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Johnson, William	Lawton, David
Millham, Alida	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	Wood, Jane

##### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Stevens, Stanley	Sullivan, P Judith		

##### CHESHIRE

Avery, Stephen	Batchelder, Robert	Dexter, Judson	Emerson, Susan
Espiefs, Peter	Fairbanks, Chandler	Hunt, John	Manning, Joseph
McGuirk, Paul	Meador, David	Pratt, John	Richardson, Barbara
Roberts, William	Royce, H Charles	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula  
Horton, Lynn  
Rodrigue, Robert  
Woodward, David

Davis, Perley  
Landers, Dana  
Rozek, Michael

Gallus, John  
Mears, Edgar  
Stohl, Eric

Guay, Lawrence  
Pratt, Leighton  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Nordgren, Sharon  
Ward, Brien

Alger, John  
Eaton, Stephanie  
Lovett, Sid  
Scanlan, David  
Williams, Burton

Almy, Susan  
Gabler, William  
Marshall, Gene  
Sova, Charles

Cobb, John  
Gilman, G Michael  
Mirski, Paul  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David  
Balboni, Michael  
Bellavance, Paul  
Brundige, Robert  
Carlson, Donald  
Clayton, William  
Craig, James  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Foster, Linda  
Goley, Jeffrey  
Greenberg, Gary  
Holden, Randolph  
Kacavas, John  
LaFlamme, Paul  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Mercer, Robert  
Movsesian, Lori  
Pappas, Marc  
Salts, Greg  
Souza, Kathleen  
Thompson, Rob  
White, Donald

Andosca, Mary  
Balcom, John  
Bergeron, Jean-Guy  
Bruno, Pierre  
Chabot, Robert  
Clegg, Robert Jr  
Daigle, Robert  
Drisko, Richard  
Fields, Dennis  
Furman, Christine  
Gorman, Mary  
Guinta, Frank  
Hopper, Gary  
Konyes, Christine  
LaRose, Richard  
Lessard, Rudy  
McHugh, Claire  
Messier, Irene  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
Spiess, Paul  
Thulander, O Alan

Arnold, Thomas Jr  
Baroody, Benjamin  
Bergin, Peter  
Buckley, Raymond  
Christensen, D L Chris  
Cote, Peter  
Desrosiers, William  
Duval, Jeffrey  
Fletcher, Richard  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Kurk, Neal  
Lasky, Bette  
Lynde, Harold  
McRae, Karen  
Milligan, Robert  
Palangas, Eric  
Reeves, Sandra  
Seibel, Christopher  
Sweeney, Cynthia  
Vaillancourt, Steve

Artz, Lawrence  
Batula, Peter  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Coughlin, Pamela  
Dionne, Kimberley  
Elliott, Larry  
Ford, Nancy  
Golding, William  
Graham, John  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Leach, Edward  
Martin, Mary Ellen  
Melcher, Harold  
Moran, Edward  
Panagopoulos, Nicholas  
Rowe, Robert  
Shaw, Barbara  
Tahir, Saghir  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
French, Barbara  
Hess, David  
Langer, Ray  
Perkins, Randy  
Swindlehurst, John

Brewster, Richard  
Feuerstein, Martin  
Gile, Mary  
Hutchinson, John  
Leber, William  
Poulin, David  
Whalley, Michael

Colcord, J D  
Fraser, Leo Jr  
Greco, Vincent  
Jacobson, Alf  
Lockwood, Priscilla  
Rodd, Beth  
Winter, Steven

Cummings, Raymond  
Fraser, Marilyn  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Rush, Deanna

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Clark, Vivian  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr

Belanger, Ronald  
Carson, Sharon  
Corbin, Corey  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen

Bishop, Franklin  
Chalbeck, Kevin  
Cox, Russell  
Dodge, Robert  
Flanagan, Natalie  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel

Bowles, Raimond  
Clark, Martha Fuller  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Robert

Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Robertson, Carl
Ruffner, Walter	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Trueman, Raymond	Varrell, Thomas	Weatherspoon, Jacquelyne
Welch, David	Weyler, Kenneth	Whittier, John	Woekel, Ralph
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Cossette, Larry	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Harrington, Michael	Hughes, Christopher
Knowles, William	McCarthy, Gerald	Reid, Christopher	Rollo, Michael
Taylor, Kathleen	Twombly, James	Wall, Janet	Woodill, Rodney
Woods, Phyllis			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Jones, Constance	Leone, Richard
Odell, Bob	Phinizy, James	Rodeschin, Beverly	

NAYS 48

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Allen, Peter	Burnham, Daniel	Mitchell, McKim
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COOS

None

GRAFTON

Benn, Bernard	Cooney, Mary	Naro, Debra	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda		

HILLSBOROUGH

Drabinowicz, A Theresa	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Ginsburg, Ruth	Hall, Betty	Schulze, Joan	Williams, Carol

MERRIMACK

Bouchard, Candace	Clarke, Claire	Daneault, Gabriel	Davis, Frank
Moore, Carol	Owen, Derek	Potter, Frances	Seldin, Gloria
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Coes, Betsy	Kane, Cecelia	Norelli, Terie
Shultis, Elizabeth	Splaine, James		

STRAFFORD

Brennan, William	Brown, Julie	Callaghan, Frank	Estabrook, Iris
Johnson, Nancy	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Smith, Marjorie	Snyder, Clair	

SULLIVAN

Harris, Joseph	Harris, Sandra
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290 members having voted in the affirmative and 48 in the negative, the report was adopted by the constitutionally required three-fifths vote and ordered to third reading.



**(Rep. Whalley in the Chair)****REMARKS**

Rep. Mock moved that remarks made in debate on CACR 5 and HB 252 be printed in the Journal. Adopted.

Rep. Potter: Thank you, Mr. Speaker and greetings, colleagues in the House. I'm Frances Potter, Representative-at-large from Concord. You will hear from supporters of this amendment that supreme court justices have been arrogant. In particular, Justice Brock, grudgingly and after long delay, has admitted ethical misconduct. There has been a lot of friction between the legislature and the court. I agree entirely about the past and will move to the present. Three sources of friction are gone; namely, the three justices who have retired or resigned. There's a new majority of three in the supreme court and by the time this amendment could take effect, it will be majority of four. The court has reformed itself by accepting a merit system for selecting judges, a written recusal policy that is widely admired, reduction of appellate delay through the "rocket docket" and a new study and publishing the standards for periodic evaluation of all judges. Lastly, the supreme court appointed Attorney Wilfred Sanders and Father Jonathan DeFelice, President of Saint Anslem College, to convene a task force to propose a truly independent judicial conduct commission. Several other measures adopted to reform the judiciary have passed in the legislature. For example, the House has adopted a revised retirement and pension plan for judges and the Senate has adopted two desirable bills: one would provide for rotation of the role of chief justice and another requires the naming of legislators to a courts advisory committee on rules. The court indicates it will accept this plan. The combined impact of these measures is major. We are actually lucky in New Hampshire. Other states considering judicial reform are starting at square one. We already use merit selection, for example, so we aren't fighting the big contributions made by big law firms to get judges selected. We're ahead in this respect. There have been complaints about judicial activism, but let's note, this complaint can come from either end of the political spectrum. It does depend on whose ox is gored. Judges are perceived as fair when they are perceived as being nonpartisan. That is, they don't have to fear retribution when they make unpopular decisions. This is known as "decisional independence," an essential quality of a good court system. Judges are also perceived as fair when they are accountable. As the constitution says, they must behave well. This means that they must be prompt, courteous, display knowledge of the law and a good judicial temperament, etc. So, how do you enforce good behavior? Now we're back to the judicial conduct commission. Attorney Sanders and Father DeFelice appointed their own task force including three legislators. They recommend a judicial conduct commission that would be free standing, have its own budget and report to the three branches of government. They recommend that its members should be appointed by officials from all three branches of government, executive, legislative and judicial, including a majority of public, non-legal members. The Court is expected to accept this report but I fear that the legislature may not accept this report. There's a retained bill in the House to have all ten members of the judicial conduct commission appointed from the legislature; they would make their own rules and decide penalties for judges. And, also, they would decide for all members of the legal profession; that is, they would have the roles of both the JCC and the PCC. This means that one branch of government would control another branch of government. It would erase the checks and balances we all learned about in American history classes. And here is a common question: "Who would be willing to become a judge under this system?" This bill, CACR 5, explicitly disclaims Article 37 in the Bill of Rights regarding the separation of powers. I think you should go slowly in changing this fundamental principle. The framers of the constitution feared that the judiciary would be the weaker branch. That's why judges are appointed for life-70 in New Hampshire- and to have salaries that can't be decreased, so that they will be independent. Let's remember the role of each branch of government in a democracy. The legislative and executive branches answer to majority rule. We do, and should, respond to voters. The judiciary does not. The role of the judiciary in democracy is to uphold the rule of law. The judicial role is to protect minorities and individuals, and in the words of the Pledge of Allegiance, "justice for all."

I hope we will find the new majority in the supreme court to be reasonable people. I hope we can work with them to achieve, in the words of Part I, Article 37 of the constitution, "one indissoluble bond of union and amity." I hope we'll give it a try and vote against the proposed amendment.

Rep. Phyllis Woods: Thank you, Mr. Speaker. Honorable members of the House, a constitutional amendment is a most serious change to make. I can see right from the starting gate that there is confusion and questions about what exactly we were attempting to do in House Judiciary Committee. So, I am going to start at the beginning and give you a little bit of a background and bring you right up to date to exactly what CACR 5 is intended to do.

The 1974 Constitutional Convention passed a resolution to amend Part II of the New Hampshire Constitution by inserting Article 73-a, which said, and I'll read it for you, "The chief justice of the supreme court shall be the administrative head of all the courts. He shall, with the concurrence of the majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law." Now, there was at the time a statute on the books that provided for a unified court system with the supreme court at the top, but this amendment made the unified courts constitutional and named the chief justice as the administrative head and clarified his authority with the other justices to make rules, a power which they already had. It was not intended to change the general principle that the rules of court, so far as procedure is concerned, had the effect of law. It was the understanding of the delegates at the convention that if this amendment was adopted it would not deprive the legislature of the right it had to regulate court procedure by statute. Now, there is some very clear language in the journal that makes that topic very clear and it was brought up under questioning.

Now, over the years there has been some controversy about the fact that when the amendment was put on the ballot to be voted on by the requisite two-thirds of the voters in 1978, that that last sentence, "The rules so promulgated shall have the force and effect of law," did not appear on the ballot or in the voter's guide. However, when it was originally enacted in November, 1978, there was no problem as it was clearly understood what the purpose of the amendment had been and the legislature continued to make laws regarding procedure and evidence as it had done in the past. And from 1978, when the amendment was passed, until 1997, there was no case that even suggested that the legislature didn't also retain the power to pass laws pertaining to procedures and evidence.

But in 1997, a serious problem became evident in a decision the court rendered known as "prior sexual assault evidence." In that case, citing the separations of powers clause, Part I, Article 37, the court basically said in this decision that the ability to regulate court procedure and evidence is exclusively a matter for the supreme court and the legislature doesn't have any power to make rules or laws regarding procedure and evidence. Now this decision radically changed the relationship between the judicial and legislative branches. It caused a major shift in the balance of powers that had been there. Prior to this ruling, it had always been the case that the legislature not only had this right but that a statute would also trump a rule in case there became a conflict. The purpose, then, of this amendment, CACR 5, is not anything to do with the legislature infringing on the judiciary, but rather, the other way around. It's about not allowing the judicial branch to infringe on the role of the legislative branch. The carefully crafted wording which was picked apart by our subcommittee over a period of several weeks is designed to do nothing but restore the proper balance of power between the branches. This is the way it currently is in the federal system and the way it is in most other states. It will serve to prevent the courts from restricting the power that the legislature always had and, by rights, should retain, to make such laws. The amendment simply adds two sentences to the existing 73-a and I'm going to read those two sentences. "Notwithstanding Part I, Article 37 (now, that is the separation of powers clause) the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court. In the event of a conflict between a statute and a rule, the statute if otherwise valid shall supercede the rule." This statement which is added, as I said, to 73-a, we believe will respect the separation of powers, restore full lawmaking authority to the legislature and it states unequivocally, so there's no question, that in the event of a conflict of a rule and a statute, the statute will prevail as it did for a long, long time prior to the 1974 Constitutional Convention and prior to the court's 1997 decision.

We believe this is a very important adjustment to make. The committee was in compliance and I would ask you to please support the report of the committee of Ought to Pass on CACR 5.

Rep Craig: Thank you, Mr. Speaker. I rise in support of House Judiciary Committee's vote of 15 to 1 for Ought to Pass CACR 5. I would like to begin by commending Rep. Potter for getting up here and saying what she said about the judiciary and the courts because I think this is not a place

where I would normally do that nowadays after what's gone on between the legislature and the supreme court in the last couple of years. When I came here three years ago, I would have done the same thing, unhesitatingly. My grandfather was an attorney in Manchester from 1929 until he died in 1963; my father has been an attorney in Manchester since 1952; and I've been an attorney in Manchester since 1983. ... (tape change) ... I feel I've been treated fairly. I know some of the judges in the supreme court. I've always thought they were decent and honorable men. I haven't always agreed with them but I think, in the main, we have one of the finest judiciaries in the country. That's not to say there are not problems. I've heard all the stories about arrogance and that stuff but, to tell you the truth, I see more arrogance when I go to get my car fixed. So I think they're people just like everybody else. I don't mean to make light of that but there's a point to be made. So, if I'm a court reformer, I'm a reluctant one. Last time this came up to change 73-a, I voted against it and my side won last time. The day the House voted that the Judiciary Committee should investigate Judge Brock, that motion was taken off the table, and 73-a was voted unanimously and was killed in the Senate last year. I was against that but I've changed my thinking on this issue. I do it a little bit reluctantly but I think it is the right thing to do. I really do believe that.

The issue was made about the independence of the judiciary. I'm concerned about that, too. The constitution, Part I, Article 37, does establish separation of powers. I would just like to read it to you; it is not very long. "In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity." I read that to say that it doesn't have to be absolute separation of powers but only leaves it to the legislature and the people to determine how much separation there has to be to make a system work as well as it can. I think that we just need to change where the line is right now. I think we can do that, and I think we have done it with this CACR. As has been mentioned already, this only affects the rulemaking that the supreme court does now. But what really concerns me, and I think you should really think about this when you vote on this issue, is that as it stands right now, the supreme court can make rules. There's no question about that. There's no question that the rules that it makes have the force and effect of law. They are laws, just as much as what we do here are laws after they are passed. The difference, to me, and the danger, to me, is that here when we make laws we send them to the Senate and if it gets by the Senate, we send them to the Governor. So there are checks and balances in the laws that we make. The problem that we are trying to address here is that the supreme court, as well as us, can make laws, but there are no checks on the laws that the supreme court makes. The only check on the laws that the supreme court makes is the supreme court itself. I think, and I've just come around to this in my thinking, it's not a bad thing to have checks on lawmaking. That's what we do and that's all we're doing to the supreme court. That does change the balance of power a little bit, but I think it changes it to the good, just like the constitution envisioned. There is a companion bill to this CACR and, if the CACR passes, I'll be up here again to explain to you how the procedure will work. I don't want to bore you with that if I don't have to, so I'll wait until later to do that. All this does is change the procedural law.

The other thing that concerns me is that the supreme court can only make procedural laws and not substantive laws. There is no definition, no cut-line, where procedural law begins and substantive law ends. So that the supreme court sometimes can make substantive law and there's no check and balance on what they do. Those are concerns, and I think they are valid and that they are beneficial, but, like anything, change is a little bit scary, but I think they are necessary changes. The only other thing that I would add is that the supreme court would retain 100 per cent, it would not affect the decisional aspect of the supreme court. They would have every right to make any decision that they have just like they do right now and if our legislature enacted a statute that overturned one of their rules, and our action was unconstitutional, the supreme court would retain the right to determine whether our actions were constitutional or unconstitutional. So, we really don't take any of their powers away from them; it just adds a balance and a check on what procedural laws that they are entitled to enact right now and they will continue to enact in the future. I would ask you to vote in favor of the committee's 15 to 1 Ought to Pass recommendation. Thank you.

Rep. Marjorie Smith: Thank you, Mr. Speaker. Thank you, Rep. Craig. This is my question. I'm trying very hard to separate the possible emotionalism from the facts in this situation and I understand the initial bill which sought to correct a problem that has been with us since the constitu-



tional convention, but I wonder about the degree to which this amendment takes us from where we are now, and my question to you is why you would take this approach rather than the approach that has been tried and true in the federal court system? In that procedure the courts write the rules. They submit the rules to the Congress. If the Congress has a problem with the rule, they send it back to the court and say, "This is our problem. Please correct it." The court's doing the court's business and the legislature is doing the legislature's business. When I look at what you have proposed, I don't really see this as any different than "tit for tat," our concern that the court in some situations is doing the legislature's business. I think you have drawn the line too far in favor of the legislature and I'd like you to help me understand why you're not using the federal procedure.

Rep. Craig: Thank you, Rep. Smith. The form that we are using is a form of what the federal procedure is. It was taken from the federal model and adopted into what it is now. This is contained in House Bill 252 which accompanies the CACR and the way it will work is the supreme court will retain all of its rulemaking authority and procedures. The legislature does not touch that. They will continue to make the rules as they do right now. The only addition that the statute would make is that when the rules are finished and promulgated, they will have the force and effect of law, just as they do now. Where this new statute picks up is that after that occurs, those rules will be sent to the Speaker of the House and the Senate President. At that point the legislature has the option of doing nothing and if it does nothing, those rules stay in effect just as the supreme court intended and promulgated. If the legislature has a problem for any reason with those rules, then it has the option of creating a statute that would override that rule. So, in a sense it is the federal system, except that it is not a recommendation, but we would be doing it by statute rather than sending a recommendation back. But I think it's the same principle as you've described in the federal system.

Rep. Marjorie Smith: I think we are speaking the same language but I don't think we're understanding each other. My key concern is that we will be doing the court's business. We will, in effect, be making the rules, rather than be saying to the court, "We don't think you have gotten it quite right. This is what our concern is. You straighten it out and come back to us." What we are doing is saying, "We know better, thank you, about how you should run the court." And I suggest to you if the shoe were on the other foot, you'd be pretty unhappy.

Rep. Craig: Is that a question?

Rep. Marjorie Smith: Would you believe?

Rep. Craig: You know what's coming, right? I believe that you believe that.

Rep. Rowe: Thank you, Mr. Speaker. I thank the Honorable member from Manchester. Let me ask you a few questions in terms of the very important element of checks and balances between the three branches. Am I correct that you said that if this legislature or the governor, the executive branch or any agency under the executive branch or this branch sets a rule, the judicial branch has a right to rule it unconstitutional?

Rep. Craig: That's correct.

Rep. Rowe: However, after the recent decision by the supreme court, is it not correct that the supreme court by a decision by only three supreme court justices can set a rule that trumps a statute?

Rep. Craig: I'll take your word that it's the three justices, but that's exactly right. There is one situation and only one where there is no check on lawmaking and that is with the supreme court procedural rules. When they make a rule, there is no check on it other than the supreme court. Everywhere else that I know of there is a check on the lawmaking procedure. There is a check and a balance.

Rep. Rowe: And are you asking under CACR 5 nothing more than to restore the balance that has been common law in the United States for over 200 years?

Rep. Craig: That's correct.

Rep. Rowe: Thank you.



Rep. Kennedy: Two points, if I might. Excuse my voice. Article 4, Section 4 of the Constitution of the United States which was the first right granted to every citizen of this country was a republican form of government which is this body. Are we not the ones who are responsible directly to the people and their direct representative?

Rep. Craig: I had trouble hearing your question, but I think the answer is yes.

Rep. Kennedy: Secondly, if I could say one little, last thing. There's been a question as to whether we're after judges or not. I served on the first Fairbanks investigation and after that, I stood at this place and defended Judge Brock because I didn't think he was responsible for what happened. By the same standards, I came before you with a CACR on an old friend of mine, finest gentleman I know who has passed away, a judge. I don't believe in my heart that we are after judges, we're after principles. Principles should always go before personalities. If we fail to put principles before personalities, we go down the slippery road. Is that not true, sir?

Rep. Craig: I agree with you 100 percent. As I said, these kind of things are difficult for me because of what I do for work but that is absolutely right. We all took an oath, I took an oath and I have to do what I think is right under the constitution. I can't think of the people on the other side of the river and the judges because my job is to do what's right by the constitution. And I think that is what the Judiciary Committee has done here. So you are absolutely right, Rep. Kennedy.

Rep. Jacobson: Thank you, Mr. Speaker. Looks like a diminished audience. Back in 1978 when Part II, 73-a was first adopted, from that point on there has been a continuing problem. The major part of that problem without going into all of the details is that secrecy became the most important ingredient in the relationship between the legislative branch and the judicial branch. Now, in our tripartite system of government, the whole notion was that each part of the government should have check or balance or both checks and balances on each other. But with the adoption of Part II, 73-a the court emphatically stated that the legislature had no check on the court except in a question of budget, and that was stated directly to me. Now, what this proposal does is to restore that check and balance so that we can review, as is the case in the federal system, the rules of court, and may I say that 80 to 90 percent of all the rules are not going to be challenged. It would be the occasional and rare occasion that a challenge would come. But we do need this check and balance and may I also say that one of the important checks and balances was removed a few years earlier. In the old system there was a huge check and balance on the courts because we could at that time remove one court and put another court in. I don't think that's the way to go and now both the superior court and the supreme court are, in a sense, constitutional, not in a sense, in a real sense are constitutional. Whereas the district court is still the child of the legislature. So what I want to say, and there have been a lot of things said today, is I urge you to support this amendment for the sole purpose of restoring the constitutional idea of checks and balances. Thank you.

Rep. Mock: Mr. Speaker, could I ask for a quorum call? This is a very important constitutional amendment. This hall should be absolutely full. Could I ask for that?

Rep. Whalley: I have asked the Sergeant at Arms to go into the anteroom and bring members back; they are aware that there will be a roll call. The question is on the committee report of Ought to Pass with Amendment. The Chair recognizes the final speaker, the member from Dover, Rep. Reid.

Rep. Reid: Thank you, Mr. Speaker. I rise today to support the committee recommendation of Ought to Pass as Amended on CACR 5. What I'm asking this House to do is support the principles laid down by our founding fathers of a system of government that includes separation of powers and checks and balances. Each of the institutions of our government should have check and balances on its power. As Madison said in Federalist 47, when the lawmakers and the law judges are one in the same...when the lawmaking power and the law judging power is placed into the same hands without any checks or balances, that leads to arbitrary lawmaking and arbitrary law judging. All we are asking is that this area of law that is so important to every litigant in this state, every criminal defendant, every witness, every crime victim, every family going through a divorce, every person who turns to the courts to seek redress for their grievances is subject to the rules of court. These, fellow members, are the rules of court. This is an area of law as important as any other area of law and that affects the citizens of this state just as strongly. This is an area of law that our state su-

preme court has commandeered. And it wasn't just one justice, and it wasn't just one court, it happened over time. This isn't about this particular court sitting today or any particular justice. This is about an exception that has been made by the courts over time to the constitutional system of checks and balances, an exception that says that these laws are subject to absolutely no checks and absolutely no balances. The court and the court alone makes the rules, and the court and the court alone judges whether those rules are valid and comport with our constitution. That's the problem that we're seeking to redress here. And I know that amending the constitution is something that we should not do lightly. But I'm really not asking for a change in the constitution or a change to the intent of the founding fathers and the framers. No, what I'm asking, and what we're asking, is that we return the constitution to the original intent of the framers. Because for 200 years it was clear that the legislature was supreme in lawmaking. Even judges such as Chief Justice Charles Doe, who was a judicial activist and as controversial as any justice that we've had, and who sometimes in practice didn't follow the principle as well as he might, understood and said clearly that with respect to lawmaking, with respect to statutes, the legislature is supreme and that applied both to procedural rules, substantive rules and substantive law. So this is a change that has come about in recent years, and a change that has really injured the separation of powers, injured the balance of powers, and it has been a source of friction between the branches of government, between the executive and the judiciary, between the legislative and the judiciary, for twenty years now. This predates Claremont, it predates the recent issues, it doesn't have anything to do with those except, maybe, that this exception that has been carved out from the checks and balances has caused increased animosity and has maybe caused a sort of fortress mentality over at the court that hasn't served the people of New Hampshire, has not served the government of this state and has not served the court. This CACR is not anti-court, it's not anti-anybody. It is pro-court. The support for this CACR in the Judiciary Committee was not along party lines. It had nothing to do with how you felt about the Claremont decision. It had nothing to do with how you felt about the impeachment. It had nothing to do with whether you were conservative or a liberal, a Democrat or a Republican. What it had to do with was the desire to return the constitution to the original principles that our founding fathers cared so deeply about. This isn't an issue of disliking one branch of government, trusting one and not the other. And I've heard some people say about this, "You know, we can't trust the legislature to make court rules." Well, frankly, the legislature doesn't want to be making the court rules. The way it worked before and the way it will work again if we pass this CACR is simple. The court makes its own rules and those rules are valid and they have the force and effect of law as they always have unless they conflict with a statute passed by the representatives of the people. Now, does this interfere with the independence of the judiciary? Absolutely not. When the judiciary looks at a statute of ours or a rule of ours, they can still say that rule is unconstitutional. So, let's take an example, ~ the prior sexual assault evidence case. Let's say that the court has put in an evidence rule, and you know the legislatures in all but just a handful of states have the right to make evidence rules. But, let's say the court put in an evidence rule that was in the minority, it wasn't the majority rule, it was the rule in maybe a few states but most of the states had a different rule and this legislature, in response to the people, said we'd rather have the rule that's in most of the states. We sent that over to the supreme court. If the supreme court said, "Hey, that rule violates the state constitution in New Hampshire because it violates the due process rights of litigants here," I would have no problem with that. That is a role that the court retains. It is an important role. It's important that the court be free from political influence when it's making decisions about the constitutionality of our statute. That's a check on our power. But what the court did in the prior sexual assault evidence case is say, "We're not even going to ask the question of whether or not this violates due process or some other right of the defendant. We're just going to say we like our rule better and the legislature shouldn't have anything to say about this area of the law." Now, a question asked earlier by the representative from Durham, are we taking more power than we should? Are we taking more power than the Congress has? Absolutely not. Our court, without any sort of review by us or any statement by us, gets to make rules and that will still be the case. But if the rule conflicts with a statute of ours and that statute is otherwise valid, it's constitutional, then the statute prevails and that's what the founding fathers intended. So, this isn't about mistrust of the court and it isn't about mistrust of the legislature. I trust the legislature as much as I trust any branch of government that is made up of human beings. And I don't trust the court any less than I trust any institution made up of human beings. But that's exactly the point. We are institutions

made up of fallible human beings and that's why people like Madison and John Adams said there have to be checks and balances; there has to be a check on every power of the government, including the power to make these rules. So, I urge you to support CACR 5 and vote in favor of the constitutional principle of separation of powers. Vote in favor of removing this friction that has existed between the court and the legislature, of healing some of these wounds. It is a vote in favor of the legislature, in favor of the court, in favor of the state of New Hampshire and in favor of the constitution. Thank you, Mr. Speaker.

### (Speaker Chandler in the Chair)

Rep. Pilliod: Thank you, Mr. Speaker, and thank you for accepting the question. This is more as just a brief question and is a puzzle. I am not speaking against your recommendation or for it. But the representative from Dover has not explained something to me, and I have to ask it. In the amendment which we are going to be asked to pass, each rule so transmitted, because it's supposed to be transmitted to the President and the Speaker, doesn't say anything about the General Court; but each rule so transmitted shall include a provision addressing the extent to which the rule shall apply to proceedings then pending before any court and also a list of any statutes that will conflict with the rule, so forth, all those details, that's wonderful; but it says the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court. When? We are not in session most of the time. And, in fact, do we just sort of say, "OK, we're going to take on this problem of a rule that we don't like someday," and I would just like to have that answered if I could. Thank you.

Rep. Reid: The gentleman is speaking about a bill that will come up after this. All the constitutional amendment does is restore the checks and balances by saying that when a rule conflicts with a statute, the statute prevails so long as it doesn't otherwise violate a part of the constitution. Now, we will be debating the bill that the gentleman has brought up and I'm sure that he can ask that question them, but what I can say is a rule that is passed by the court that doesn't conflict with a statute will be valid just as it always has. Thank you, Mr. Speaker.

### SPECIAL ORDERS REGULAR CALENDAR PART II (CONT'D)

**HB 252**, establishing a committee to study the administrative functions and procedures of the state court system. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill is a companion to CACR 5. It provides the mechanism by which court rules promulgated by the Supreme Court will be regulated by the legislature. The bill provides that all court rules currently in existence shall continue in effect. It also applies RSA 91-A, the right-to-know law, to the Supreme Court's rulemaking procedures. Finally, the bill requires copies of all rules promulgated by the court to be sent to the Speaker of the House and to the Senate President with a summary of each rule. The legislature then has the option of changing or voiding any rule by statute, or doing nothing. If the legislature does nothing, the rule retains the force and effect of law. Vote 15-0.

### Amendment (0876h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to rules promulgated by the supreme court.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Supreme Court; Rules of Practice and Procedure and Rules of Evidence; Power to Prescribe. Amend RSA 490 by inserting after section 4-a the following new section:

490:4-b Rules of Procedure and Evidence; Power to Prescribe.

I. The supreme court shall have the power to prescribe rules of practice and procedure and rules of evidence to be followed in all courts of this state. All such rules in effect prior to the effective date of this section shall remain in full force and effect, except as they may be changed by statute or by rule of court pursuant to this section.

II. The rules described in paragraph I shall not abridge, enlarge, or modify any substantive right. All preexisting laws, which conflict with the proposed rules, shall be of no further force and effect after such rules have taken effect.

III. The rulemaking procedures of the supreme court shall be subject to the provisions of the right to know law, RSA 91-A, except that the failure to comply with RSA 91-A shall not invalidate a rule adopted under this section.



IV. The supreme court shall transmit to the speaker of the house of representatives and the president of the senate a copy of all rules, including emergency rules, at the time that they are promulgated by the court. Each rule so transmitted shall include a provision addressing the extent to which the rule shall apply to proceedings then pending before any court, a list of any statute that will conflict with the rule, as well as an explanatory note concerning the purpose of, and need for, the proposed rule. The transmission shall also include any minority views of justices or committee or subcommittee members concerning the proposed rule.

2 Contingency. If a constitutional amendment is adopted by the voters in the 2002 election which provides that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute shall supersede the rule, section 1 of this act shall take effect January 1, 2003. If such a constitutional amendment is not adopted, then section 1 of this act shall not take effect.

### 3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill provides that rules promulgated by the supreme court have the force and effect of law and may be changed by statute, and requires that supreme court rulemaking procedures comply with the right to know law. This bill takes effect only if CACR 5 of the 2001 legislative session is adopted in the 2002 general election.

Adopted.

On a division vote, 269 members having voted in the affirmative and 30 in the negative, the report was adopted.

Ordered to third reading.

## REMARKS

Rep. Craig: Thank you, Mr. Speaker. I rise in support of the committee report of ought to pass as amended. I think you have probably heard most of what's in this bill, but this is the companion bill to the CACR, which just passed the house, and this is the guts of how the legislature would regulate supreme court rules. It provides that the supreme court retains all of its powers to prescribe rules in practice and procedure and rules of evidence; that does not change under this statute. All rules that are in effect now will remain in effect. This statute does not change that. The statute does change in Roman Numeral Two (II). It requires that any rule that the supreme court passes from now on will nullify any existing statute that conflicts with the new rule. That is a provision that gets rid of old, archaic statutes that are on the books. So, in other words, when the supreme court comes up with a new rule, it will have to send over to the legislature a list of any rule that conflicts with the new rule and that statute will be null and void at that time. The other thing that the statute does is that it applies RSA 91-A, the right-to-know law, to the court's rulemaking procedure. That is not in effect right now and doesn't affect any decisional process; that merely affects the rulemaking process. It opens it up to the right-to-know law. Article 4 of the statute, as I said, the rulemaking procedure, remains exactly the same as it does now. If the supreme court wants to change it in any way, they are free to do that. The only way that it does change is that after rules are fully promulgated, they have the force and effect of laws as they do now, but a report has to follow each rule and the report goes to the Speaker of the House and the President of the Senate. In that report would be a list of any statute that conflicts with the rule, an explanation of what the rule does and why it is needed, and a list of any objections that were voiced with the rule. At that time and as part of this, the legislature can do nothing and if it does nothing, the rule stays in effect and has the force and effect of law. If the legislature for any reason objects to the rule, it can change that rule by statute. The statute would have to be enacted and go through the regular statutory process and then it would, in a sense, if it got through and is not vetoed by the governor, it would trump the court rule. That is the supervisory provision for the court rules that's in the statute. That's really the guts to the whole thing and that's what's changed. The legislature is free to form any kind of committee to oversee this, and the court is free to change their rulemaking committee any way they see fit. Our committee chose not to micromanage. That is up to the legislature and to the supreme court. This is just enabling action and the rest of it will come as it may. It is my firm hope, we tried



to balance, to correct what we felt was this problem in the law and at the same time it was never the Judiciary Committee's intent that anytime a legislator is mad at the court because it lost some court hearing, he comes over here and files a bill because he's mad at the court. We hope that each side will be responsible in this procedure and that perhaps a couple of legislators will be appointed to the rulemaking committee, oversee it as it goes forward and this will never be a problem again. That's the hope of the committee and I think that is probably a realistic hope, at least I sincerely hope that it is. The last thing that is in this statute is that it only comes into effect if and when the CACR that we just passed becomes law after the election in 2002. So, this statute would only come into effect on January 1, 2003 and the reason for that is because of the election for CACR, and it would not come into effect if the CACR was not passed by the voters. That in a nutshell is what's in the statute and I'll take any questions if there are any.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### SPECIAL ORDERS REGULAR CALENDAR PART II (CONT'D)

**HB 450**, relative to work product under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John M. Pratt for the Majority of Judiciary: This bill gives additional protection to the work papers, notes and preliminary drafts of Legislative Budget Assistant auditors made in preparation of audit reports authorized under Chapter 14 of the Revised Statutes Annotated. The bill was requested by the Legislative Budget Assistant in response to a recent decision of the New Hampshire Supreme Court. The amendment deleted a second section of the bill that would have made changes to the right-to-know law. Vote 12-8.

Rep. Peter E. Franklin for the Minority of Judiciary: The minority view of this bill is that it should be killed. This bill was brought forward in response to the *Goode v. Buckley* case, which was remanded to Superior Court at the beginning of this year. Until we know the final disposition of the case, we are tilting at windmills. It is quite possible that Revised Statutes Annotated (RSA) 91-A has worked quite well and there is no need for any legislation.

### Amendment (0339h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to certain work product under the right-to-know law.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as section 3, respectively.

### AMENDED ANALYSIS

This bill clarifies that certain work papers are not subject to the right-to-know law.  
Adopted.

Rep. Franklin spoke against.

Rep. John Pratt spoke in favor.

On a division vote, 202 members voting in the affirmative and 60 in the negative, the majority report was adopted by the necessary two-thirds.

Ordered to third reading.

### CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

**HB 505**, limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others. **INEXPEDIENT TO LEGISLATE**

Rep. Peter R. Leishman for Judiciary: The Committee applauds the efforts of the sponsor to limit (frivolous) lawsuits against gun manufacturers, distributors and dealers. However, the majority of the committee believes the proposed legislation is too broad a weapon to protect the firearms community, and that a judge and jury should be trusted to sort out ridiculous claims. To date, there have

been no claims based on misuse against manufacturers of guns in New Hampshire, nor successful actions in other states. Courts have recognized the frivolous nature of these suits. The majority was troubled about other interests that might seek immunity for misuse of their product(s) should this legislation pass. Vote 14-3.  
Adopted.

**HB 221**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **INEXPEDIENT TO LEGISLATE**  
Rep. Ralph F. Woekel for Labor, Industrial and Rehabilitative Services: The committee felt that this was more a statement of principal than a bill and consequently was inappropriate for legislation. Vote 16-1.  
Rep. Itse requested a roll call; sufficiently seconded.  
The question being adoption of the report.

**YEAS 240 NAYS 82**

**YEAS 240**

**BELKNAP**

Bartlett, Gordon	Czech, Stanley	Johnson, William	Millham, Alida
Nedeau, Stephen	Pilliord, James	Russell, David	Thomas, John
Wood, Jane			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Philbrick, Donald			

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Emerson, Susan
Espiefs, Peter	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Royce, H Charles
Weed, Charles	Zerba, Roger		

**COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Eaton, Stephanie
Gabler, William	Giuda, Robert	Lovett, Sid	Marshall, Gene
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scanlan, David
Scovner, Nancy	Sokol, Hilda	Teschner, Douglass	Ward, Brien
Williams, Burton			

**HILLSBOROUGH**

Andosca, Mary	Artz, Lawrence	Balboni, Michael	Baroody, Benjamin
Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clayton, William	Cote, Peter
Craig, James	Daigle, Robert	Desrosiers, William	Dionne, Kimberley
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Elliott, Larry
Emerton, Lawrence Sr	Fletcher, Richard	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Greenberg, Gary	Guinta, Frank
Hall, Betty	Hall, Charles	Holden, Randolph	Hopper, Gary
Johnson, Lionel	Kacavas, John	Konys, Christine	L'Heureux, Robert

LaFlamme, Paul  
Lynde, Harold  
Mercer, Robert  
O'Connell, Timothy  
Pepino, Leo  
Shaw, Barbara  
Thompson, Rob

Lasky, Bette  
Martin, Mary Ellen  
Messier, Irene  
Palangas, Eric  
Salts, Greg  
Spiess, Paul  
Vaillancourt, Steve

Leach, Edward  
McDonough-Wallace, Alice  
Milligan, Robert  
Panagopoulos, Nicholas  
Sargent, Maxwell  
Sweeney, Cynthia  
Wheeler, Robert

Lessard, Rudy  
Melcher, Harold  
Movsesian, Lori  
Pappas, Marc  
Schulze, Joan  
Tahir, Saghir  
Williams, Carol

## MERRIMACK

Bouchard, Candace  
Cummings, Raymond  
Fraser, Leo Jr  
Greco, Vincent  
MacKay, James  
Potter, Frances  
Swindlehurst, John  
Yeaton, Charles

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hutchinson, John  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rush, Deanna  
Whalley, Michael

Colcord, J D  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Seldin, Gloria  
Whittemore, James

## ROCKINGHAM

Belanger, Ronald  
Carson, Sharon  
Corbin, Corey  
Downing, Michael  
Giordano, Ronald  
Johnson, Robert  
Kobel, Rudolph  
Micklon, Stephanie  
Palermo, Diane  
Robertson, Carl  
Stritch, C Donald  
Whittier, John

Bishop, Franklin  
Chalbeck, Kevin  
Dearborn, Bruce  
Fesh, Bob  
Gleason, John  
Kane, Cecelia  
Langone, John  
Norelli, Terie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Trueman, Raymond  
Woekel, Ralph

Blanchard, MaryAnn  
Clark, Martha Fuller  
DiFruscia, Anthony  
Flanagan, Natalie  
Holland, James Jr  
Katsakiores, George  
McGuire, Robert  
Nowe, Ronald  
Quandt, Marshall  
Sloan, Stephen  
Weatherspoon, Jacquelyne  
Zolla, William

Bowles, Raimond  
Coes, Betsy  
Dowling, Patricia  
Flanders, John Sr  
Hutchinson, Karen  
Katsakiores, Phyllis  
McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Splaine, James  
Welch, David

## STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Wall, Janet

Bickford, David  
Estabrook, Iris  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Woodill, Rodney

Brennan, William  
Goodwin, Earle  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Woods, Phyllis

Callaghan, Frank  
Grassie, Anne  
Lent, Donald  
Proulx, Raymond  
Taylor, Kathleen

## SULLIVAN

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

Flint, Gordon Sr  
Jones, Constance

## NAYS 82

## BELKNAP

Boyce, Laurie  
Rice, Thomas Jr

Dewhirst, Glenn  
Rosen, Ralph

Holbrook, Robert  
Wendelboe, Fran

Lawton, David

## CARROLL

Kenney, Joseph  
Sullivan, P Judith

Mock, Henry

Patten, Betsey

Stevens, Stanley

## CHESHIRE

Avery, Stephen  
Roberts, William

Dexter, Judson

Fairbanks, Chandler

Hunt, John

**COOS**

None

**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Gilman, G Michael	Mirski, Paul	Sova, Charles	

**HILLSBOROUGH**

Arnold, Thomas Jr	Balcom, John	Batula, Peter	Bergin, Peter
Brundige, Robert	Clegg, Robert Jr	Coughlin, Pamela	Dokmo, Cynthia
Eaton, Richard	Fields, Dennis	Gonzalez, Carlos	Graham, John
Herman, Keith	Jean, Loren	Kurk, Neal	LaRose, Richard
McHugh, Claire	McRae, Karen	Moran, Edward	Reeves, Sandra
Rowe, Robert	Seibel, Christopher	Souza, Kathleen	Thulander, O Alan
White, Donald			

**MERRIMACK**

Anderson, Eric	Dunne, Christopher	Kennedy, Richard	Langer, Ray
Leber, William	Poulin, David	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Camm, Kevin	Cox, Russell	Dalrymple, Janeen
Dodge, Robert	Francoeur, Sheila	Gilbert, Karl	Griffin, Mary
Hamel, Albert	Henderson, Warren	Itse, Daniel	Johnson, Rogers
Kelley, William	Langley, Jane	Letourneau, Robert	Power, Lucille
Putnam, Ed II	Rausch, James	Ruffner, Walter	Stone, Joseph
Varrell, Thomas	Weyler, Kenneth		

**STRAFFORD**

Cossette, Larry	Reid, Christopher	Twombly, James
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**SULLIVAN**

Rodeschin, Beverly  
and the report was adopted.

**HB 469-FN-L**, relative to the applicable minimum wage for hourly employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Russell D. Bridle for the Majority of Labor, Industrial and Rehabilitative Services: There are 644,000 New Hampshire residents employed in 1999 of which 360,000 were hourly wage earners. Approximately 10,000 or 1.5% are tipped employees who typically make substantially more than minimum wage (\$5.15). According to the 1999 statistics approximately 27,000 (4.2%) earned wages ranging from \$5.16 to \$6.14. In contrast to other states in New England, New Hampshire had the second lowest percentage of workers earning less than \$6.15 per hour. The majority of the committee understood that since 1999, wages have climbed higher yet and unemployment lower, allowing for workers to shop for higher paying jobs. An important point in the consideration of a state minimum wage would be the negative impact on some of the very people it would be meant to help. An increase in minimum wage could impact low income workers by changing income qualifications for earned income credit, child and dependent care credit, child tax credit, credit for elderly or the disabled and education credits and SSI. Vote 10-8.

Rep. Jeffrey P. Goley for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee felt that New Hampshire's lowest paid workers deserve a raise. Without an increase in the last four years, New Hampshire's most disadvantaged workers have lost pace with the rapid cost increase of fuel, housing and other basic needs.

Reps. Bergin, Martha Fuller Clark, Marshall Quandt and Karen Hutchinson spoke against.

Reps. Cummings, Dickinson and Gilman spoke in favor.

Rep. Norelli spoke against and yielded to questions.

Rep. Martha Fuller Clark requested a roll call; sufficiently seconded.

The question being adoption of the majority report.



**YEAS 170 NAYS 163****YEAS 170****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Rosen, Ralph

Boyce, Laurie  
Holbrook, Robert  
Russell, David

Czech, Stanley  
Lawton, David  
Thomas, John

Dewhirst, Glenn  
Nedeau, Stephen  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Hunt, John

Dexter, Judson  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler

**COOS**

Gallus, John  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

Stohl, Eric

**GRAFTON**

Alger, John  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

Cobb, John  
Giuda, Robert  
Sova, Charles

Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Gabler, William  
Mirski, Paul  
Ward, Brien

**HILLSBOROUGH**

Alukonis, David  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Golding, William  
Hall, Charles  
Jean, Loren  
Lessard, Rudy  
Milligan, Robert  
Pepino, Leo  
Souza, Kathleen  
Vaillancourt, Steve

Arnold, Thomas Jr  
Bouchard, David  
Carlson, Donald  
Clegg, Robert Jr  
Drisko, Richard  
Fletcher, Richard  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Tahir, Saghir  
White, Donald

Artz, Lawrence  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Dyer, Merton  
Furman, Christine  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
McRae, Karen  
O'Connell, Timothy  
Rowe, Robert  
Thompson, Rob

Batula, Peter  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Eaton, Richard  
Gargas, Carolyn  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Hutchinson, John  
Lockwood, Priscilla  
Whalley, Michael

Cummings, Raymond  
Kennedy, Richard  
MacKay, James  
Winter, Steven

Dunne, Christopher  
Langer, Ray  
Poulin, David

Hess, David  
Leber, William  
Swindiehurst, John

**ROCKINGHAM**

Arndt, Janet  
Carson, Sharon  
Cox, Russell  
Fesh, Bob  
Griffin, Mary  
Johnson, Robert  
Kelley, William

Belanger, Ronald  
Chalbeck, Kevin  
Dalrymple, Janeen  
Flanagan, Natalie  
Hamel, Albert  
Johnson, Rogers  
Kobel, Rudolph

Bishop, Franklin  
Clark, Vivian  
Dodge, Robert  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Letourneau, Robert

Camm, Kevin  
Corbin, Corey  
Dowling, Patricia  
Giordano, Ronald  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman

McKinney, Betsy  
Putnam, Ed II  
Sloan, Stephen  
Welch, David

Nowe, Ronald  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Packard, Sherman  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

Palermo, Diane  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Bickford, David  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

Hughes, Christopher

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 163

### BELKNAP

Johnson, William  
Wood, Jane

Millham, Alida

Pilliod, James

Rice, Thomas Jr

### CARROLL

None

### CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, John

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meader, David  
Weed, Charles

Espiefs, Peter  
Mitchell, McKim  
Zerba, Roger

### COOS

Bradley, Paula  
Mears, Edgar

Davis, Perley  
Rodrigue, Robert

Guay, Lawrence  
Rozek, Michael

Landers, Dana

### GRAFTON

Akins, Ralph  
Dudley, Terri  
Pawlek, Marion

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon

### HILLSBOROUGH

Andosca, Mary  
Bellavance, Paul  
Cote, Peter  
Duval, Jeffrey  
Foster, Linda  
Gorman, Mary  
Kacavas, John  
Leach, Edward  
McDonough-Wallace, Alice  
Palangas, Eric  
Seibel, Christopher  
Wheeler, Robert

Balboni, Michael  
Bergin, Peter  
Craig, James  
Elliott, Larry  
Ginsburg, Ruth  
Graham, John  
Konys, Christine  
Lefebvre, Roland  
Melcher, Harold  
Panagopoulos, Nicholas  
Shaw, Barbara  
Williams, Carol

Balcom, John  
Buckley, Raymond  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Goley, Jeffrey  
Hall, Betty  
LaRose, Richard  
Lynde, Harold  
Messier, Irene  
Salts, Greg  
Spiess, Paul

Baroody, Benjamin  
Clayton, William  
Drabinowicz, A Theresa  
Ford, Nancy  
Gonzalez, Carlos  
Johnson, Lionel  
Lasky, Bette  
Martin, Mary Ellen  
Movsesian, Lori  
Schulze, Joan  
Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Perkins, Randy  
Seldin, Gloria

Brewster, Richard  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Potter, Frances  
Wallner, Mary Jane

Clarke, Claire  
Feuerstein, Martin  
Gile, Mary  
Moore, Carol  
Rodd, Beth  
Whittemore, James

Colcord, J D  
Fraser, Leo Jr  
Greco, Vincent  
Owen, Derek  
Rush, Deanna  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Dearborn, Bruce

Bowles, Raimond  
DiFruscia, Anthony

Clark, Martha Fuller  
Downing, Michael

Coes, Betsy  
Flanders, John Sr

Gilbert, Karl  
Hutchinson, Karen  
McGuire, Robert  
Power, Lucille  
Shultis, Elizabeth  
Whittier, John

Gleason, John  
Kane, Cecelia  
Micklon, Stephanie  
Quandt, Marshall  
Splaine, James

Hill, Jonathan  
Langley, Jane  
Norelli, Terie  
Quandt, Matthew  
Trueman, Raymond

Holland, James Jr  
Langone, John  
Pitts, Jacqueline  
Robertson, Carl  
Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Knowles, William  
Pelletier, Marsha  
Smith, Marjorie  
Woodill, Rodney

Brennan, William  
Goodwin, Earle  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair

Callaghan, Frank  
Grassie, Anne  
McCarthy, Gerald  
Reid, Christopher  
Taylor, Kathleen

Dunlap, Patricia  
Johnson, Nancy  
Pelletier, Arthur  
Rollo, Michael  
Wall, Janet

### SULLIVAN

Burling, Peter  
Franklin, Peter

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Phinizy, James

and the majority report was adopted.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire constitution, Rep. Rollo requested that his protest be entered on the Journal.

I wish to enter my protest of the vote on HB 469, an act increasing the minimum wage. It is unconscionable to treat working people in such a malicious manner.

**HB 452**, establishing a committee to study the reimbursement for expenses of legislators. **OUGHT TO PASS**

Rep. Keith R. Herman for Legislative Administration: There has been much discussion and debate over how the legislature should be compensated. Earlier this session the House voted to increase the mileage reimbursement for legislators choosing to receive the state rate. The New Hampshire constitution allows for legislators only to be reimbursed for mileage for actual attendance. It is clear, any change in how we are compensated or reimbursed will require a constitutional change. HB 452 establishes a study committee to recommend changes to our compensation. The study committee can propose a constitutional amendment to be considered by the House next year. The committee is retaining CACR 21 to use as a vehicle for any recommendations from the study committee. If the study committee fails to recommend something, CACR 21 will still be available for House action. Vote 9-4.

Adopted and ordered to third reading.

**HB 574**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law. **OUGHT TO PASS**

Rep. Peter F. Bergin for Legislative Administration: It has been a number of years since this issue was studied. After hearing testimony from a number of people in favor of such a study, the committee voted in favor of such a study of the right-to-know law as it applies to the joint committee on legislative facilities. Vote 9-4.

Adopted and ordered to third reading.

**HB 251**, establishing that local zoning ordinances regulating location are applicable to community living facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Mary R. Cooney for Municipal and County Government: The intent of this bill was to prevent the possibility of any sex offenders being housed in state community living facilities which are located near schools or neighborhoods where children are present. This bill would take away the State's ability to establish a community living facility in the most appropriate location, as required by State and Federal law. There is a need to balance the rights of the disabled and others with the rights of the residents. This bill does not address the problems that might arise with sex offenders living in neighborhoods. By law, they may do so now once a sentence has been served and they have registered with the local police department. In reality, developmentally disabled

persons housed in such a facility are far more regulated and controlled, because of the supervision and services they receive, than a sex offender who is not disabled. A developmentally disabled sex offender, who is incompetent to stand trial for an offense and considered a risk to the community, is housed in a special facility for such offenders. This bill was brought about because the Department of Health and Human Services did not allow public input prior to making the decision to assign such a person to a community facility. The bill had the effect of putting the placement of all citizens with all types of disabilities at risk. This bill would go against the purpose of RSA 126-A "to provide an integrated, administrative structure for the design and delivery of a comprehensive and coordinated system of health and human services which is family-centered and community based for the citizens of New Hampshire." Vote 14-1.

Rep. Patten moved Recommit to committee.

Adopted.

Recommitted to Municipal and County Government.

**HB 607-FN-A-L**, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: The committee sympathized completely with the sponsors. We felt that this issue can and should be resolved by the affected associated school boards by placing a line item in the operating budget. Further, the committee was precluded from recommending the passage of this bill because it is a direct violation of Part I, Article 28-a of the New Hampshire Constitution which does not allow the State to require local political subdivisions to pay for new or expanded programs, unless the State is willing to fund that requirement. Vote 10-6.

Rep. Mary C. Cooney for the Minority of Municipal and County Government: The minority feels that the lack of communication between some cooperative school districts and the related hosting towns makes it imperative that an agreement be required to reimburse the hosting town for police costs incurred during the school year. Some cooperative district schools have needed to call police up to 300 times in one year.

Rep. Patten moved Recommit to committee.

Adopted.

Recommitted to Municipal and County Government.

**HB 543-FN**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: This bill was introduced by the majority of the committee to study the organization and operations of the New Hampshire Port Authority (NHPORT) under HB 1559, Chapter 153 of 2000. The bill simply transfers the total operation functions and responsibilities, personnel and properties as a unit to the Pease Development Authority (PDA) to be named the Division of Ports and Harbors. The amendment includes a complete rewrite of the PDA statute RSA 12-G to include the NHPORT statutes as are appropriate to combine the two organizations. Particular care was required in that certain requirements of the Federal government in the transfer of Pease Air Force Base to the state had to be protected and kept separate from the operation of the NHPORT. Therefore, some of the changes were simply identifying the "airport" from the "division" when referring to properties and funds. The PDA legal counsel was involved with the rewrite, and it has been coordinated with the personnel in the Attorney General's Office. The Treasurer reviewed it as to its affect on the various bonding issues. All have indicated the amendment covers the concerns of all agencies. The study committee found that there have been many studies and proposals for changing or combining operations of the NHPORT, starting in 1985 in a Sunset review report, that called for its termination and transfer its responsibilities to other agencies. Further studies in 1991 recognized the similarities of the two agencies and the efficiencies that may accrue through a merger. Other studies followed in the 1990s, and currently the study authorized in Chapter 153, Laws of 2000, which looked at the possibility of assigning the NHPORT to the Department of Transportation, or the Department of Resources and Economic Development or the PDA. The committee recognizes that integration of the functions of the NHPORT with the PDA will allow for faster and more coordinated development and operation of



the Port and Harbors on the Seacoast. Combined administration and marketing efforts will benefit the Seacoast region and all the citizens of the state. The amendment provides for a direct line of authority and responsibility from the PDA Board of Directors to the Division Director of Ports and Harbors, who serves at the pleasure of the Board. The classified employees remain unchanged and continue to serve as state classified employees. The current Board of Directors of the NHPORT will be retained as an Advisory Council to the Division Director on issues of programs, rules, operations, etc., and to insure communications flow both ways, a requirement that the PDA Board shall respond with reasons if a Council recommendation is not accepted. Also, to relieve some concerns that the PDA may develop the Port properties in other ways, the amendment states the ports remain working ports. The amendment also provides that the Director of the Port Authority on the effective date of this act shall serve as initial Director of the Division of Ports and Harbors. The committee considered but rejected a motion to retain this bill, and voted with confidence that this is the time and this is the instrument to effect the change needed for the future strength and stability of the NH ports and harbors on the Seacoast. Vote 17-2.

### **Amendment (0878h)**

Amend the bill by replacing section 2 with the following:

2 State Treasurer; Application of Receipts; Reference Amended. Amend RSA 6:12, I (vvv) to read as follows:

(vvv) Moneys deposited in the harbor dredging and pier maintenance fund established in RSA ~~[271-A:21]~~ **12-G:46**.

Amend the bill by replacing sections 5-6 with the following:

5 Resources and Economic Development; Review of Reports Required; Reference Changed. Amend RSA 12-A:34 to read as follows:

12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact reports on economic development programs issued under RSAs 4-C:6-a, 12-A:33, ~~[12-G:26-a]~~ **12-G:30**, and 162-A:23-a, the department of resources and economic development, in consultation with the legislative budget assistant, shall periodically review such reports at least once every 5 years and make recommendations to be utilized by the agencies making such reports for an improved and consistent methodology for assessing the quantity and quality of jobs created and saved and the growth potential and environmental impacts of such programs. This section shall not apply to promotional literature.

6 Pease Development Authority. RSA 12-G is repealed and reenacted to read as follows:

### **CHAPTER 12-G**

### **PEASE DEVELOPMENT AUTHORITY**

#### **12-G:1 Declaration of Purpose.**

I. The general court recognizes that the closure and redevelopment of Pease Air Force Base is a matter of great concern for the town of Newington, the city of Portsmouth, the seacoast region, and the state of New Hampshire. Therefore, the general court finds that a comprehensive study of all issues related to the closure and redevelopment of Pease Air Force Base is necessary to ensure proper planning and optimal use of the property. The study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment, and quality of life of the affected communities, the seacoast region, and the state.

II. The general court further recognizes that the economies, environment, and quality of life of the affected communities, the seacoast region, and the state will depend on the speedy and proper redevelopment of Pease Air Force Base. Thus, it is hereby declared to be in the public interest and to be the policy of the state to foster and promote the redevelopment of Pease Air Force Base by implementing the comprehensive conversion and redevelopment plan being prepared by the former Pease Air Force Base redevelopment commission and the Pease development authority.

III. It is further declared that creation of a development authority to implement the comprehensive conversion and redevelopment plan and to promote, oversee, and integrate the development of Pease Air Force Base is in all respects for the benefit of the affected communities, the seacoast region, and the state and for the improvement of their welfare and prosperity, including the creation of employment and other business opportunities. It is also the intent of the general court that the authority be empowered to assume from the Pease Air Force Base redevelopment commission the responsibility for obtaining federal approval of the comprehen-

sive conversion and redevelopment plan and complete any steps in the planning process that may remain incomplete as of July 1, 1990, and to create a development authority with the power, duties, and authority to implement all aspects of the comprehensive conversion and redevelopment plan subject to provisions of this chapter, including without limitation, taking title in the name of the state of New Hampshire, acting by and through the authority, to any or all of Pease Air Force Base.

IV. The general court further recognizes that integration of the functions of the former New Hampshire state port authority with the functions and duties of the Pease Development Authority will allow for faster and more coordinated development of New Hampshire ports with the conversion and redevelopment of Pease Air Force Base. Thus, it is declared to be in the public interest and the policy of the state to combine in one authority all power, authority, and responsibility for the promotion and development of Pease Air Force Base and the ports of New Hampshire for the benefit of the seacoast region and all of the citizens of New Hampshire. It is also the intent of the general court that in the furtherance of its responsibility to promote and develop New Hampshire ports that they remain working ports with due consideration given to the commercial, recreational, and private interests associated therewith.

12-G:2 Definitions. In this chapter:

I. "Airport district" means:

(a) The property conveyed, granted, or otherwise transferred to the authority by the federal government or any agency thereof pursuant to section 13(g) of the Surplus Property Act of 1944, as amended, or such other provision of federal law authorizing transfer of federal surplus property for airport purposes. Property conveyed, granted, or otherwise transferred to the authority in this manner shall automatically become part of the airport district, but may be removed from the airport district by the authority in accordance with the procedures prescribed in RSA 12-G:13, II, after the contraction of the airport district has been approved by the governing body of the municipality in which the land sought to be taken from the airport district is located; or

(b) Property conveyed, granted, or otherwise transferred to the authority by the federal government or any agency thereof, or otherwise acquired by the authority, and declared or designated by the authority as the "airport district" in accordance with the procedures prescribed in RSA 12-G:13, II, after the expansion of the district has been approved by the governing body of the municipality in which the land sought to be added to or taken from the airport district is located. Such property may be subsequently removed from the airport district by the authority in accordance with the procedures prescribed in RSA 12-G:13, II, after the contraction of the airport district has been approved by the governing body of the municipality in which the land sought to be taken from the airport district is located.

II. "Airport project" means the development, construction, reconstruction, maintenance, or operation of any property of the authority or of any airport by the authority, including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers, and freight or as part of aviation operation, air navigation, and air safety operation, and excluding any division project.

III. "Airport property" means all real property and tangible and intangible personal property, rights, and facilities of the authority excluding division property.

IV. "Appointing authorities" means the governor and executive council, the president of the senate, the speaker of the house of representatives, the mayor and city council of the city of Portsmouth, and the board of selectmen of the town of Newington.

V. "Authority" means the Pease development authority.

VI. "Board" means the board of directors of the authority.

VII. "Bond" means any bond, note, or other evidence of indebtedness issued under this chapter.

VIII. "Commission" means Pease Air Force Base redevelopment commission established pursuant to 1989, 3:2.

IX. "Director" means a member of the board.

X. "Division" means the Pease development authority, division of ports and harbors.

XI. "Division director" means the director of the division of ports and harbors.

XII. "Division project" means the development, construction, reconstruction, maintenance, or operation of any property of the authority related to the ports, harbors, and navigable tidal rivers of the state under the jurisdiction of the authority, including dredging activities authorized under RSA 12-G:45 and including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities used or useful in connection therewith and listed on the inventory of division projects maintained pursuant to RSA 12-G:43, I(e).

XIII. "Division property" means all real property and tangible and intangible personal property, rights, and facilities of the authority related to ports, harbors, and navigable tidal rivers administered or operated by the authority through the division and listed on the inventory of division property maintained pursuant to RSA 12-G:43, I(e).

XIV. "Division revenues" means any appropriations received by the division and any rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, development, or operation of division property or projects and the operation of related facilities located thereon.

XV. "Excess revenues" means those revenues other than division revenues in excess of the funds identified in the audit performed pursuant to RSA 12-G:29 required (a) to pay the costs of operating, maintaining, and repairing all property and projects of the authority except division property and division projects, (b) to pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director except those costs of administering and operating the division, (c) to pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority, except any bonds issued in relation to any division property or project, as the same become due and payable, (d) to create and maintain reserves established pursuant to RSA 12-G:18 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority, (e) to create and maintain a capital improvement fund for airport property and airport projects to be established by the board in an amount not more than \$10,000,000, and (f) to pay all taxes owed by the authority related to its ownership or operation of airport property or airport projects. Excess revenue shall not include any revenues generated from property transferred or conveyed to the authority pursuant to section 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. section 1622(g), as amended, within the airport district, unless the board and the Federal Aviation Administration deem, in compliance with applicable Federal Law, including but not limited to 49 U.S.C. App. section 2210(a)(12), such revenues to be excess revenues within the meaning of this chapter.

XVI. "Land use controls" means all municipal ordinances and requirements or rules of the authority regulating the use, development, and improvement of property, including, but not limited to, zoning ordinances, subdivision regulations, site plan review regulations, and building, electric, plumbing, and fire codes.

XVII. "Pease Air Force Base" means all land, easements, buildings, structures, and appurtenances owned or controlled by the United States Department of Defense on January 1, 1990, in the towns of Newington and Greenland, or the city of Portsmouth.

XVIII. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state (including the state of New Hampshire), municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

XIX. "Port authority" means the New Hampshire state port authority established pursuant to 1957, 262:1.

XX. "Resolution" means:

(a) The statements of intent adopted by formal vote of the commission on the dates set forth below and related to the following:

- (1) The New Hampshire Air National Guard on August 1, 1989.
- (2) The Pease Air Force Base trash-to-energy plant on August 15, 1989.
- (3) The proposed wildlife refuge at Pease Air Force Base on August 29, 1989.
- (4) Asbestos in housing at Pease Air Force Base on October 10, 1989.
- (5) The provision of health care for military retirees on October 24, 1989.

(b) Any other statement of intent designating a resolution and adopted by the commission since March 20, 1989.



XXI. "Revenues" means the gifts, contributions, and appropriations from any source and the rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, or development of Pease Air Force Base and the operation of related facilities located thereon and all right to receive the same, including investment earnings and the proceeds of any borrowing hereunder or of any sale or disposition or insurance of any assets of the authority, excluding division revenues.

XXII. "Security document" means any trust agreement, security agreement, or resolution authorizing the issuance of or securing bonds.

XXIII. "State" means the state of New Hampshire.

XXIV. "Surplus Property Act" and all references to section 13(g) of the Surplus Property Act of 1944, as amended, mean any provision of federal law authorizing transfer of federal surplus property for airport purposes, including 49 U.S.C. section 47151(a); 50 U.S.C. App. section 1622(g), as amended, to the extent applicable prior to the enactment of 49 U.S.C. section 47151(a); and any other provision of federal law that may be subsequently enacted that authorizes the transfer of federal surplus property for airport purposes.

XXV. "Vessel" means boats of all sizes propelled by sail, machinery, or hand, scows, dredgers, shellfish cars, and craft of every kind.

#### 12-G:3 Pease Development Authority Established.

I. There is hereby created a body politic and corporate of the state, to be known as the Pease development authority, to carry out the provisions of this chapter. The authority is hereby deemed to be a public instrumentality, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state.

II. Any resolution or contract executed or approved by or on behalf of the commission shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the commission vested in or possessed by the commission on June 1, 1990, shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them.

III. Nothing in this chapter shall be construed as requiring the authority to assume, adopt, or otherwise be bound by the bylaws, votes, or decisions of the commission or any advisory committee thereof except as set forth in paragraph II and RSA 12-G:44.

IV. Any rule or contract executed or approved by or on behalf of the port authority shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the port authority vested in or possessed by the port authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them. Nothing in this chapter shall be construed as precluding the authority from amending or rescinding, to the extent permitted by law, and by law, rule, vote, or decision rendered by the port authority prior to the transfer to the authority of the duties, functions, and jurisdiction of the port authority.

#### 12-G:4 Management by Board of Directors; Executive Director.

I. The management of the authority shall be vested in a board of 7 directors to be appointed as follows:

- (a) One member appointed by the governor and executive council.
- (b) One member appointed by the mayor and city council of the city of Portsmouth.
- (c) One member appointed by the board of selectmen of the town of Newington.
- (d) One member appointed by the president of the senate.
- (e) One member appointed by the speaker of the house of representatives.
- (f) One member appointed jointly by the mayor and city council of the city of Portsmouth and the board of selectmen of the town of Newington.

(g) One member who is nominated by majority vote of the legislative delegation of Strafford county, including the senators whose districts include towns in Strafford county and who is appointed by the governor, the senate president, and the speaker of the house. The member appointed in this



manner shall be a resident of Strafford county and shall serve an initial term of 2 years beginning June 1, 1993. Subsequent terms shall be governed by the provisions of this section. The member appointed in this manner may be removed from office for cause after hearing by the Strafford county legislative delegation.

II. The governor shall appoint the chairman of the board, who shall serve in that capacity at the pleasure of the governor. Directors shall hold office for 3 years and until their successors shall have been appointed. State-appointed directors may be removed from office pursuant to the provisions of RSA 4:1. Directors appointed by the municipal appointing authorities may be removed from office for cause after hearing by the municipal appointing authorities.

III. Four members of the board shall constitute a quorum. A minimum of 4 affirmative votes shall be required for any action of the board, except for the adoption of land use controls, which shall require 5 votes.

IV. The directors shall serve without compensation from the authority, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the authority.

V. Directors shall be residents of the state. No director shall be an elected public official of the state, federal government, or any political subdivision of the state or federal government. Notwithstanding any other provision of law, public employees and appointed officials of the state and any of its political subdivisions may serve, if appointed in accordance with the provisions of this chapter, as directors of the authority.

VI. The board shall appoint an executive director, who shall be the chief executive and administrative officer of the authority and who shall have general and active supervision and direction over the day-to-day business and affairs of the authority and its officers and employees, subject, however, to the direction and control of the board. The executive director shall be responsible for ensuring that all division revenues and all costs associated with operating and maintaining division property and division projects are accounted for separately from all other revenues and costs of the authority and shall perform all such other duties as from time to time may be assigned to the executive director by the board. The executive director shall hold office for an indefinite term at the pleasure of the board. The executive director shall also be the secretary of the authority, shall keep a record of the proceedings of the authority, and shall be the custodian of all books, documents, and papers filed with the authority and of its minute book and seal. The executive director shall have the power to cause copies to be made of all minutes and other records and documents of the authority and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates. The executive director may employ such assistants, legal counsel, and clerical and administrative staff as is directed by the board and within the limits of funds available for that purpose. The executive director may from time to time, with the prior consent of the board, establish and maintain such operating divisions within the authority as he or she shall deem necessary for the proper and efficient conduct of business under this chapter and may assign such staff members to any such division. The salary of the executive director shall be established by the board.

#### 12-G:5 Statements of Financial Interests; Content; Form.

I. Every member of the board shall file by July 1 of each year a verified written statement of financial interests in accordance with the provisions of this section, unless the member has already filed a statement in that calendar year.

II. A member of the board shall not be allowed to enter into or continue his or her duties, unless the member has filed a statement of financial interests with the secretary of state.

III. Statements of financial interests shall contain the following information:

(a) The name, address, and type of any professional, business, or other organization in which the reporting individual was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year.

(b) The description of any debt and the name of the creditor for all debts in excess of \$5,000 owed by the reporting individual, as well as the description of any debt and the name of the debtor for all debts in excess of \$5,000 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the state in the preceding calendar year. Loans issued by financial institutions whose normal business includes the

making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt issued by publicly-held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed.

IV. The statement of financial interests shall be completed by typewriting or hand printing, and shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form prescribed by the secretary of state.

12-G:6 Disqualification of Member. If any director, or the spouse or issue of any director, shall be interested either directly or indirectly or shall be a director, officer, or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract or other matter with the authority, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the board and shall be set forth in the minutes of the board. The member having such interest shall not participate on behalf of the authority in any proceedings or decision relating to such contract or matter.

12-G:7 Duties.

I. The authority assumes from the commission and shall perform the following duties:

(a) Monitoring the proposed closing of Pease Air Force Base.

(b) Conducting a comprehensive study of all issues related to the closure, conversion, redevelopment, and future use of Pease Air Force Base. This study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment, and quality of life of the affected communities, the seacoast region, and the state.

(c) Reviewing all options relative to the most appropriate use of Pease Air Force Base.

(d) Formulating and adopting a comprehensive plan for conversion and redevelopment of Pease Air Force Base and submitting this plan to the federal authorities no sooner than 30 days following submission to the appointing authorities.

(e) Submitting the comprehensive plan for the conversion and redevelopment of Pease Air Force Base to the appropriate agency or agencies of the federal government.

II. The authority shall at all times act in a manner which is consistent with the public good and pursuant to this chapter shall seek to implement the comprehensive plan for the conversion and redevelopment of Pease Air Force Base identified in paragraph I.

12-G:8 Incorporation; Powers. The authority shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power:

I. To sue and be sued in all courts and to initiate or participate in actions and proceedings, whether judicial, administrative, arbitral, or otherwise.

II. To have a seal, and to alter such seal at pleasure and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any manner.

III.(a) To employ or retain as independent contractors architects, engineers, attorneys, accountants, and such other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law or personnel or civil service rule of the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

(b) To appoint qualified individuals to serve as unpaid volunteers or advisors under such terms and conditions as it may deem necessary. Such volunteers or advisors may be reimbursed for such incidental expenses determined by the board to be necessary and incurred while performing the business of the authority.

IV. To purchase, receive, take by grant, gift, devise, bequest, or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with property or any interest therein, whether tangible or intangible, for its purpose.

V. To sell, convey, lease, exchange, transfer, abandon, or otherwise dispose of, or mortgage, pledge, or create a security interest in, all or any of its airport or division property or any interest therein, except that no real property of the division may be sold, conveyed, exchanged, transferred, or otherwise disposed of, except by license, lease, or other agreement subject to a term of not more than seven years, without the prior approval of the governor and the executive council.

VI. To apply for and accept gifts, loans, grants, property, funds, money, materials, labor, supplies, or services from the United States of America or its agencies or departments or any state agency or any political subdivision of the state, or any other person, to carry out the terms and

provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, or grants.

VII. To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer, or otherwise dispose of, mortgage, pledge, or grant a security interest in, use, or otherwise deal in and with, bonds and other obligations, shares, or other securities or interests therein issued by others, whether engaged in a similar or different business or activity.

VIII. To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic, provided that no contract in excess of \$10,000, including contracts under paragraphs III and XV, shall be made without requests for proposal. This requirement may be eliminated by an affirmative vote of 5 members of the board on any particular matter. Justification for eliminating the requirement shall be recorded in the minutes of the meeting.

IX. To borrow money for purposes not related to division property or division projects at such rate or rates of interest as the authority may determine, issue its notes, bonds, or other obligations to evidence such indebtedness, and secure any of its obligations by mortgage or pledge of all or any of its airport property or any interest therein, tangible or intangible, whether then owned or thereafter acquired.

X. To arrange for guaranties of its notes, bonds, or other obligations pursuant to RSA 12-G:31 by the federal government or by any private insurer or otherwise, and to pay any premiums therefor.

XI. To issue such notes, bonds, or other obligations, whether or not the income therefrom to the holders is exempt from federal income taxation.

XII. To purchase notes, bonds, or other obligations of the authority at such price or prices, in such manner, and upon such terms as the authority may determine.

XIII. To invest and reinvest its funds, and take and hold property as security for the payment of funds so invested.

XIV. To procure insurance against any loss in connection with its airport or division property or projects in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor. Nothing in this paragraph shall be construed as a waiver of the sovereign immunity of the state except as authorized under RSA 491:8.

XV. To enter into and perform contracts and agreements, whether or not they may be deemed to constitute indebtedness under applicable law, for the joint and separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of, or other participation in facilities, products, or services of any person who engages in business on property owned or controlled by the authority.

XVI. To maintain a principal office in the state and an office or offices at such other place or places as it may determine.

XVII. To make any inquiry, investigation, survey, feasibility study, or other study which the authority may deem necessary to enable it to carry out effectively the provisions of this chapter.

XVIII. To apply to the appropriate agencies and officials of the federal government and the state for licenses, permits, or approvals of its plans, airport projects, or division projects as it may deem necessary or advisable, and to accept such licenses, permits, or approvals as may be tendered to it by such agencies or officials, upon such terms and conditions as it may deem appropriate.

XIX. To make bylaws and establish committees for the management and regulation of its affairs as it may deem necessary, and subject to agreements with bondholders, to make rules pursuant to its own procedures for the use of its airport projects and property and division projects and property, including but not limited to zoning, subdivision, and site plan review regulations, and building, electric, plumbing, and fire codes, and to establish and collect rentals, fees, and all other charges for the use of projects under the jurisdiction of the authority and for services or commodities sold, furnished, or supplied by the authority.

XX. To design, construct, maintain, operate, improve, and reconstruct such airport projects and division projects as shall be consistent with the purposes and provisions of this chapter, including without limitation the maintenance and development of aviation and port services, includ-



ing landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, piers, wharves, navigation aids, and all facilities necessary or convenient in connection with any such airport project or division project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine.

XXI. To take such other action as it may deem necessary and advisable in the furtherance of the purposes of this chapter.

12-G:9 General Authority Power. In addition to the powers and duties specifically enumerated in RSA 12-G:7, RSA 12-G:8, and RSA 12-G:42, the authority shall have every power enumerated in the laws of the state granted to the authority, the division, the executive director, the division director, the port authority, or any administrative unit of the authority.

12-G:10 Coordination With Department of Resources and Economic Development. The authority shall coordinate its publicity efforts and the activities of the division with the department of resources and economic development.

12-G:11 Status of Authority Employees; Entitlement to State Benefits; Reimbursement of Costs.

I. Except for any classified employee of the division, the authority may hire, fix, and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. Except for any classified employee of the division, the employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Except for any classified employee of the division, any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority, except for any classified employee of the authority, whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority. This paragraph shall not apply to any classified employee of the division.

III. The state classified positions of the port authority shall be transferred to the authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority. Any person employed in such a position at the time of such transfer or at any time subsequent thereto shall be deemed a classified employee of the division. All classified employees of the division shall be classified employees of the state of New Hampshire within the meaning of RSA 21-I:49 and shall be subject to all requirements, and be entitled to all benefits and emoluments, of the state personnel system. Nothing herein shall preclude the general court from increasing or decreasing the number of classified positions within the division.

IV. Notwithstanding any other provision of law, the authority or the executive director may assign as necessary any employee of the authority with appropriate skills and training to perform any responsibility, task, or duty assigned by statute to the authority or the division, including without limitation, on a temporary basis, any responsibility, task, or duty previously or otherwise assigned to any classified employee of the division. To the extent that the wages, salary, benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or revenues of the authority other than division revenues, such fund or other source of revenue shall be reimbursed for the cost of such wages, salary, benefits, and other expenses, including without limitation reasonable overhead expenses, from funds drawn from the fund established under RSA 12-G:37 and, to the extent authorized, from the fund established under RSA 12-G:46. The executive director of the authority, subject to the approval of the board, is authorized to determine and fix, as necessary, rates of reimbursement.

12-G:12 Coordination Between State and Federal Governments.



I. In addition to any other duties set forth in any provision of this chapter, the authority shall coordinate with, and provide information to, the United States Department of Defense, and any official or employee thereof, regarding any matter related to the ownership, condition, closure, conversion, redevelopment, or future use or operation of Pease Air Force Base. Notwithstanding any other provision of law, no political subdivision of the state shall submit any plan regarding the closure, conversion, redevelopment of future use, or operation of Pease Air Force Base without the prior approval of the authority.

II. Notwithstanding any provision of law, except for the authority, no political subdivision or any agency of the state or governmental unit thereof, may apply for or receive pursuant to any provision of federal law any funds, grants, or other assistance from the Office of Economic Adjustment within the United States Department of Defense relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior approval of the authority. Except for the authority, no state political subdivision, or any agency or governmental unit thereof, shall apply for or receive any funds, grants, or other assistance from any agency of the federal government relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior notification to the authority. The provisions of this paragraph shall not apply to the adjutant general or to school administrative units for the city of Portsmouth or the town of Newington.

III. Except for the adjutant general and notwithstanding any other provision of law, the authority shall be the only person in the state authorized to negotiate, purchase, or otherwise obtain on behalf of the state or any of its political subdivisions any fee ownership, easement, lease, or other property interest in any property in, or on a part of, Pease Air Force Base, except that the town of Newington may negotiate for and reacquire from the federal government the "Old Stone School" and associated yard located on Nimble Hill Road and the city of Portsmouth may negotiate for and acquire Jones School and Brackett School and associated yards located on Northwood Road and Rockingham Drive, respectively. The board may grant exemptions in its sole discretion from this provision to any state agency or political subdivision on such terms and conditions as it may deem appropriate.

IV. Notwithstanding any other provision of law, the authority shall be the only person authorized in the state to accept on behalf of the state or any of its political subdivisions any title to, or any other interest in, the runway, taxiways, parking aprons, hangars, control tower, airspace, or other property or related facilities at Pease Air Force Base, from the United States pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. section 1622(g)), as amended.

#### 12-G:13 Local Land Use Controls.

I. Notwithstanding any other provision of law, any and all land use controls of the town of Newington and the city of Portsmouth shall not apply to any of the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the authority by the federal government or any agency thereof. The authority shall have the exclusive jurisdiction in adopting and establishing land use controls for the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the authority by the federal government or any agency thereof.

II. The authority shall adopt land use controls including, without limitation, regulations to establish zones, building codes, subdivision regulations, site plan review, and fire codes in order to implement the comprehensive conversion and redevelopment plan prepared by the commission no later than December 31, 1991. All land use controls and amendments to such controls shall be enacted in accordance with rules of procedure adopted by the authority and shall include at least one public hearing. In order to adopt, amend, interpret, or override any land use control, 5 affirmative votes of the authority shall be required. All land use controls enacted by the authority shall be filed in the Rockingham county registry of deeds, the clerk's office for the town of Newington, the clerk's office for the city of Portsmouth, and the New Hampshire office of state planning. This paragraph shall not apply to any division property or projects listed on the inventory required under RSA 12-G:43, I(e).

III. In adopting land use controls, the authority may adopt, in whole or in part, the land use controls of the town of Newington and/or the city of Portsmouth. If the authority opts not to adopt the land use controls of Newington and/or Portsmouth, in whole or in part, the authority shall adopt its own land use controls which are consistent with the comprehensive conversion and develop-

ment plan prepared by the commission and consistent with the master plans of the town of Newington and the city of Portsmouth. This paragraph shall not apply to any division property or projects listed on the inventory required under RSA 12-G:43, I(e).

IV. The land use controls and any amendments to them adopted by the authority shall only apply to all airport property at Pease Air Force Base acquired by the authority from the federal government or any agency thereof, and shall remain applicable and enforceable after the sale, lease, assignment, or other transfer of any or all of such property to such person by the authority. All other property at Pease Air Force Base shall be subject to all land use controls of the municipalities in which such property is located. This paragraph shall not apply to any division property or projects listed on the inventory required under RSA 12-G:43, I(e).

V. With the exception of the airport zone and that portion of the airport industrial zone acquired by the authority pursuant to the Surplus Property Act of 1944, section 13(g), in the enforcement of land use controls, the following shall apply to property located at Pease Air Force Base:

(a) The authority shall delegate enforcement of the land use controls to the appropriate land use boards of the town of Newington and the city of Portsmouth for airport property within each municipality, respectively.

(b) If the town of Newington or the city of Portsmouth, as appropriate, rejects the enforcement on the basis of Part I, Art. 28-a of the New Hampshire constitution, the authority may delegate such enforcement to the community which did not reject it or to another community. If the town of Newington and/or the city of Portsmouth elects to perform said enforcement, the building inspection services, zoning enforcement services, and planning services of Portsmouth and/or Newington shall be made available to the authority for all land within the authority's control. In addition, the building code boards of appeal, the zoning boards of adjustment, and the planning boards of the respective municipalities shall process building code appeals, administrative appeals, special exception and variance requests, as well as subdivision, site plan review, and conditional use applications. The only charge that may be made for such services shall be the standard application fees charged by the municipalities for local permits.

(c) In all instances, the authority shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of its land use controls, which shall require 5 affirmative votes.

(d) Any action of the authority in the exercise of its powers under this section shall be subject to a motion for rehearing and appeal in accordance with the appropriate provisions of RSA 677. In addition to any other person deemed to be an aggrieved person, the city of Portsmouth and the town of Newington and any abutters shall have standing to appeal land use decisions made by the authority.

(e) Any property located at the former Pease Air Force Base which is sold, leased, or otherwise conveyed by the United States government to any person other than the state of New Hampshire or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes, and related codes prior to being occupied for any use by any person.

VI. The authority, after notice and hearing and in addition to any contract right or other power, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of the authority's land use controls applicable to the airport zone or that portion of the airport industrial zone acquired by the authority pursuant to the Surplus Property Act of 1944, section 13(g). The proceeds of any administrative fine levied pursuant to this section shall be deposited in the Pease Development Authority Airport Fund. The authority shall adopt rules relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of the authority's land use controls as provided in this paragraph;

(b) Procedures for notice and hearing prior to imposition of an administrative fine; and

(c) Procedures for rehearings and appeals to the board.

Any final action by the board in the exercise of the authority's powers under this section shall be subject to appeal in accordance with RSA 677.

VII. Notwithstanding any provisions of this section, all property on Pease Air Force Base west of McIntyre Road shall be designated a wildlife preserve under the control of the United States Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge, or other appropriate federal or state agency. Except for the establishment of a national veteran cemetery, the authority shall not permit the development of the property designated a wildlife refuge or preserve.

VIII. In any event, regulatory power over all land use controls at Pease Air Force Base except for the airport district and all property west of McIntyre Road designated as a wildlife preserve shall revert exclusively to the municipalities no later than January 1, 2020, or sooner at the election of the authority.

12-G:14 Limitations on State and Local Taxation; Provision of Services.

I. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for their well-being and prosperity, and for the improvement of their social and economic conditions, and, except as provided in paragraph II, the authority shall not be required to pay any tax or assessment on any property or project owned by the authority under the provisions of this chapter or upon the revenues from such property or project, nor shall the authority be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf. Nothing in this section shall be construed to exempt any transferee, lessee, or tenant of the authority from paying any recording fee, transfer tax, or other tax required by state law.

II. All airport property within the boundaries of Pease Air Force Base but outside of the airport district located thereon that is owned or occupied by a person, other than the authority or any other entity exempted from taxation under RSA 72:23, shall be taxable by the municipality in which the property is located as though such property were not owned by the exempt entity and were held in fee simple. Upon leasing or renting by the authority of any of its airport property outside the airport district to a non-exempt entity for any use, the municipality in which such property is located shall subject such property to any and all applicable property taxes of the municipality as though such property were not owned by the state or authority and were held in fee simple. Tax payments shall be made as follows:

(a) In the case of such airport property rented from the authority, the renter shall pay, in lieu of real estate taxes, to the municipality in which the property is located an amount equal to the amount that would have been paid as ad valorem taxes in respect to such property, had it been owned by a nongovernmental person.

(b) In the case of such airport property leased from the authority, the lessee of such property shall pay all taxes duly assessed against such property no later than the due date. If the lessee fails to pay such duly assessed taxes by the due date:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum from the due date until such taxes are paid;

(2) The municipality in which the leased airport property is located shall have a lien, subordinate only to any existing lien of the authority or the state, upon any personal property including, but not limited to, equipment owned by the lessee, which lien shall continue in force from the due date until the taxes and accrued interest are paid; and

(3) The municipality may bring suit against the lessee in any court of competent jurisdiction for the recovery of any unpaid taxes and interest, together with reasonable attorney's fees and costs.

(c) Such tax payments shall be made at the times and in the manner prescribed for ad valorem property taxes for nongovernmental persons and shall be based on the valuation of the property determined by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality. If the lessee or authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

III. For all airport property within the boundaries of Pease Air Force Base and within the airport district that is owned, leased, or occupied by a person, other than the authority, who is subject to the payment of a municipal services fee in lieu of real estate taxes for the provision of services by or on behalf of the authority which are traditionally provided by the town of Newington and/or the city of Portsmouth, and to the extent such municipal services fee is based in whole or in part on the valuation of the property by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality, if the lessee or authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

IV. Notwithstanding any other provision of law:

(a) Security for all land and buildings within the airport district and security for all flights at Pease Air Force Base shall be provided by the authority. All other police services within the airport district shall be provided by the municipalities. Any municipality providing police services to the



authority within the airport district shall be reimbursed in timely manner pursuant to a contract with the authority for all costs incurred by the municipality in providing such services, including but not limited to, salaries, benefits, insurance, equipment, and associated administrative expenses.

(b) The provision of all other services to land, buildings, and people in the airport district which are traditionally provided by the town of Newington and/or the city of Portsmouth shall be exclusively the responsibility of the authority. These services shall include, but not be limited to, the provision of fire protection, roadway maintenance, runway and parking apron maintenance, maintenance of all underground storage facilities, public assistance, public education, and public utilities. In accordance with the provisions of RSA 12-G:8, VIII, the authority may contract with any person for the provision of these services.

(c) Outside of the airport district the provision of the municipal services by the towns of Greenland and Newington and the city of Portsmouth shall be governed by the general law of the state and the other provisions of this chapter.

V. Notwithstanding any other provision of law, all property formerly held by the port authority and transferred to the authority, or acquired by the authority pursuant to RSA 12-G:39, is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof; provided that in lieu of such taxes the authority shall make payments to the city of Portsmouth in the amount of \$30,000 annually for the tax year commencing April 1, 2001, and each subsequent tax year for highway maintenance, fire protection, and other services.

#### 12-G:15 Distribution of Excess Revenues.

I. Subject to the limitations contained in RSA 12-G:2, XV, excess revenues of the authority may be distributed by the board annually within 30 days of the end of the authority's fiscal year as follows:

(a) 50 percent to the state treasurer for deposit in the general fund.

(b) 50 percent to the town of Newington, the town of Greenland, and the city of Portsmouth, to be distributed based upon the ratio of the equalized assessed value of the real property within the boundaries of Pease Air Force Base, but not including the airport district, located within the town or city limits of each municipality to the total equalized assessed value of all such property.

II. Before any excess revenues are distributed pursuant to subparagraphs I(a) and (b), the authority shall reimburse in full on a pro rata basis the state, the town of Newington, and the city of Portsmouth for all funds provided to the commission or authority since March 30, 1989.

III. The annual report prepared by the authority pursuant to RSA 12-G:29 shall include a detailed explanation of any distribution of excess revenues made pursuant to this section or of any decision by the board not to make such distribution.

#### 12-G:16 Limited Liability of State and Municipalities.

I. Except as provided in paragraphs II and III of this section, all obligations and liabilities incurred by the authority related to airport property or airport projects, whether arising from bonds, contracts, or otherwise, shall be corporate obligations of the authority and not general obligations of the state or any political subdivision thereof, and neither the full faith and credit nor the taxing power of the state, nor any subdivision thereof is pledged to support such obligations, except as provided in RSA 12-G:31, nor shall they be deemed a debt of the state or any political subdivision thereof in determining its borrowing capacity under any applicable law.

II. Any agreement between the United States and any agency thereof and the authority shall constitute a binding agreement between the United States and the state. Any agreement between the United States and the authority obligating the state to expend funds may be satisfied in full by revenues, bond proceeds, or other funds provided by the authority in the first instance, and if such funds are insufficient, then the obligations shall be satisfied by the state from other funds. Furthermore, any agreement between the United States and the authority requiring payment of funds by the authority to purchase any property at Pease Air Force Base shall be satisfied in full by revenues, bond proceeds, or other funds provided by the authority, and such payment shall not require a pledge of the full faith and credit of the state, except as otherwise provided under RSA 12-G:31.

III. All obligations and liabilities incurred by the authority related to division property or division projects, whether arising from bonds, contracts, or otherwise, shall be general obligations of the state of New Hampshire.

12-G:17 Issuance of Bonds. The authority may issue bonds which shall be obligations of the authority and not general obligations of the state, except as provided in RSA 12-G:31. Such bonds



may be issued from time to time consistent with the purposes and provisions of this chapter, including, without limitation, financing the preacquisition costs and other costs of acquisition of any property or interest therein at Pease Air Force Base, or for any costs incurred in undertaking any airport project authorized by this chapter, or for paying or refunding any bonds issued pursuant to this section or interest thereon. The principal of, and premium, if any, and interest on all bonds shall be payable solely by the authority in accordance with the provisions of this chapter. Prior to each new issuance of bonds, the authority shall provide written notice to the state treasurer of the maximum amount of bonds proposed to be issued. The bonds shall be issued by the authority in such amounts as the board shall determine, not exceeding in the aggregate \$250,000,000. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate, or other method as may be determined by the board, and shall mature at such time or times as may be determined by the board, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be made redeemable before maturity either at the option of the authority or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds. The board shall determine the form and details of the bond. Subject to RSA 93-A, the bonds shall be signed by at least 4 members of the board. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the board may determine.

12-G:18 Security Documents. Any bonds issued pursuant to RSA 12-G:17-28 may be issued pursuant to and entitled to the benefits of a security document between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a security document directly between the authority and the purchasers of the bonds, and such security document shall be in such form and executed in such manner as may be determined by the board. Such security document may include the mortgage, pledge, or grant of a security interest in any airport property of the authority and may pledge or assign, in whole or in part, the revenues held or to be received by the authority, excluding any division revenues, any contract or other rights to receive the revenues, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and any proceeds thereof, excluding any division revenues. Such security documents may contain provisions for protecting and enforcing the rights, security, and remedies of the bondholders as may, in the discretion of the board, be reasonable and proper and not in violation of law. Such security documents may include provisions defining defaults and providing for remedies in the event of defaults, which may include the acceleration of maturities and the enforcement of any mortgage, pledge, or security interest, and covenants setting forth the duties of, and limitations on, the authority in relation to the custody, safeguarding, investment, and application of moneys, the issue of additional or refunding bonds, the fixing, revision, and collection of rates, charges, and other revenues, the use of any surplus bond proceeds, the establishment of reserves, the acquisition of any property or interest therein, or undertaking of any project, any contracts relating thereto, and subsequent amendments of such provisions and contracts. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues, or other moneys under a security document and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or credit facilities as may be required by the authority acting under RSA 12-G:17-28. Any such security document may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

12-G:19 Credit Facilities and Insurance. Any bonds issued pursuant to RSA 12-G:17-28 may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the board may determine to be in the best interests of the authority. In addition to other security provided herein or otherwise by law, bonds issued by the authority pursuant to RSA 12-G:17-28 may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the authority by any bank, trust company, or other financial institution, within or without the state, and the authority may make any pledge, mortgage, assignment, or security interest in respect of its airport property and revenues other than division revenues as security for the reimbursement by the authority to the issuers of such letters or lines of credit, insurance, or credit facilities or any payments made thereunder.

12-G:20 Perfection and Priority of Mortgage, Pledge, or Security Interest. Any mortgage, pledge, or security interest made by the authority under RSA 12-G:17-28 shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and all other laws from the time when the mortgage, pledge, or security interest is made. The airport property or revenues other than division revenues so mortgaged, pledged, or subjected to a security interest then held or thereafter acquired or received by the authority shall immediately be subject to the lien of such mortgage, pledge, or security interest without any physical delivery or segregation thereof or further act. The lien of such mortgage, pledge, or security interest shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. No such property or revenues may be used in a manner inconsistent with the terms governing such mortgage, pledge, or securities interest. Any agreement by which a pledge or security interest in personal property is created under RSA 12-G:17-28 shall be filed or recorded in the records of the secretary of state. Any mortgage or other agreement by which a security interest in real property is created under RSA 12-G:17-28 shall be filed with the register of deeds for Rockingham county.

12-G:21 Enforcement of Rights. Any owner of a bond issued under the provisions of RSA 12-G:17-28 and any trustee under a security document securing the same, except to the extent the rights given in this section may be restricted by such security document, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state granted hereunder or under such security document and may enforce and compel performance of all duties required by this chapter or by such security document to be performed by the authority or by any director or officer of the authority.

12-G:22 Refunding Bonds. The authority, when authorized by the board, may issue refunding bonds for the purpose of paying any bonds issued under the provisions of RSA 12-G:17-28 at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the board may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a security document securing the bonds. The authorization and issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties, and obligations of the authority in respect to the same shall be governed by the provisions of RSA 12-G:17-28 relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

12-G:23 Separate Funds. Any debt service fund, construction fund, debt service reserve fund, or other fund established in connection with the issuance of bonds pursuant to RSA 12-G:17-28 shall be kept separate from other moneys of the authority. The moneys deposited in any such funds, together with the income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the security document establishing such funds.

12-G:24 Investment of Funds. Moneys in any fund or account created under the provisions of RSA 12-G:17-28, subject to the terms and provisions of any security document applicable thereto, may be invested. Except as otherwise provided by any such security document, obligations so purchased as an investment of money in said fund or account shall be deemed at all times to be part of said fund or account, and the interest thereon and any profit arising from the sale thereof shall be credited to said fund or account, and any loss resulting on their sale shall be charged to said fund or account, respectively.

12-G:25 Alteration of Rights of Bondholders. The state does hereby pledge to and agree with the holders of bonds issued RSA 12-G:17-28 that the state shall not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the said holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

12-G:26 Tax Exemption. Bonds issued pursuant to RSA 12-G:17-28 and their transfer and income, including any profit made on their sale or transfer, shall at all times be exempt from all taxation by or within the state.

12-G:27 Investment Securities. Notwithstanding any of the provisions of RSA 12-G:17-28 or any recitals in any bonds issued pursuant to RSA 12-G:17-28, all such bonds shall be deemed to be investment securities under RSA 382-A.

12-G:28 Eligible Investments. Bonds issued under the provisions of RSA 12-G:17-28 are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority, or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or any political subdivision is now or may hereafter be authorized by law.

12-G:29 Audit and Annual Reports. The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to all appointing authorities, to the house finance committee, the senate finance committee, the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

12-G:30 Reports on Economic Development Programs.

I. The authority shall include, as part of its annual report or as a separate report published and made available to the public annually on or before September 1, beginning September 1, 1997, the following information regarding each economic development program funded, bonded, or guaranteed by the authority:

(a) Information regarding the number of jobs to be created or saved and the related wages and benefits levels.

(b) The growth potential of the program.

(c) The environmental impact of the program.

(d) The amount of the loan, grant, loan guarantee, bond guarantee, or tax incentives awarded.

II. The annual report shall also include information regarding the criteria for the awarding of economic development assistance and the means by which the authority tracks the progress which each awardee makes in meeting the job, wage, and benefit projection included in its application for assistance.

12-G:31 State Bond Guarantee.

I. In view of the general public benefits expected to be derived from the airport property acquisitions and airport projects to be financed under this chapter, and their contribution to the social and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued pursuant to RSA 12-G:17-28. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$50,000,000, plus interest. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

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State Treasurer

II. In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use of any airport property or operation of any airport project and the revenues therefrom, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the authority, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by at least 4 directors.



III. In lieu of a state guarantee under this section, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding the total state bond guarantee authorized in RSA 12-G:31, I to make a loan or loans to the authority for the purposes of this chapter relating to airport property and airport purposes, and issue general obligation bonds or notes in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority. The principal amount of bonds of the authority that may be guaranteed by the state under paragraph I of this section shall be reduced by the amount of bonds issued by the state under this paragraph.

12-G:32 Operating Budget. The authority shall comply with the requirements of RSA 9:1 through 9:9, relative to the budget.

12-G:33 Comprehensive Development Plan Required. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$35,000,000, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

#### State Treasurer

12-G:34 Pease Matching Grants. Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$5,000,000 to make a loan or loans to the authority to be used for the purposes of matching funds for Federal Aviation Administration grants, Economic Development Administration grants, and other available grants. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority.

12-G:35 Matching Funds. Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$10,000,000 to make a loan or loans to the authority to be used solely for the purposes of matching public and private funds, and said aggregate moneys shall be expended solely for the development of the research district of the Pease International Tradeport. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority.

12-G:36 Pease Development Authority Airport Fund; Expenditure of Other Revenues.

I. For the purpose of providing a fund to be known as the Pease Development Authority Airport Fund, the state treasurer shall credit to such fund any appropriation made to the authority for each fiscal year excluding division revenues and any appropriation related to the division, division property, a division project, or any activity of the division.

II. All sums so credited are appropriated to the authority:

(a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with airport property, an airport project, or any interest therein, whether tangible or intangible, as otherwise authorized under this chapter;



(b) To pay the costs of operating, maintaining, improving, and repairing all airport property and airport projects of the authority;

(c) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director but excluding any such costs related to administering and operating the division, division property, or any division project;

(d) To pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority related to airport property or airport projects as the same become due and payable;

(e) To create and maintain reserves established pursuant to RSA 12-G:18 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority related to airport property or airport projects;

(f) To create and maintain a capital improvement fund for airport property and airport projects to be established by the board in an amount not more than \$10,000,000;

(g) To pay all taxes owed by the authority related to airport property or airport projects;

(h) To pay any excess revenues authorized pursuant to RSA 12-G:12; and

(i) In general for the payment of all expenses incident to the management and operation of the authority, excluding such expenses related to the management and operation of the division, division property, or any division project, as are consistent with its statutory purpose and as the board thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining in this fund to the credit of the authority at the close of any fiscal year shall be nonlapsing and shall be carried over and credited to its account for the succeeding year.

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. The revenues received and due to the authority from all other sources, except by way of state appropriation or division revenues, from whatever source derived shall be retained by the authority and shall be used in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust, or security document.

VI. Notwithstanding any other provision of law, no revenues of the authority other than division revenues shall be used for or paid on account of any obligation or liability of the authority related to or arising out of the ownership, operation, or maintenance of the division, division property, or any division project.

#### 12-G:37 Pease Development Authority Ports and Harbors Fund.

I. For the purpose of providing a fund to be known as the Pease Development Authority Ports and Harbors Fund, the state treasurer shall credit to such fund any appropriation made to the authority for each fiscal year relating to the division, division property, a division project, or any activity of the division, except any appropriation made to the harbor dredging and pier maintenance fund in accordance with RSA 12-G:46.

II. All sums so credited are appropriated to the authority:

(a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with division property, a division project, or any interest therein, whether tangible or intangible, as otherwise authorized under this chapter;

(b) To pay the costs of operating, maintaining, improving, and repairing all division property and division projects;

(c) To pay all costs as allocated by the authority for administering and operating the division, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board, the executive director, the division director, or other provision of law, including without limitation, reimbursement of the fund established under RSA 12-G:36 or any other source of revenue of the authority other than division revenues to the extent that the wages, salary, benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or from revenues of the authority other than division revenues;

(d) To pay the principal of, and premium, if any, and the interest on any outstanding bonds of the state related to division property or division projects as the same become due and payable;

(e) To pay all payments in lieu of taxes owed by the authority, if any, related to division property or division projects; and

(f) In general for the payment of all expenses incident to the management and operation of the division, as are consistent with its statutory purpose and as the board may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. All division revenues associated with operations and responsibilities assigned by the authority to the division in excess of the operating expenditures required for the activities of the division shall be deposited in the general fund until such time as any bonds authorized and issued relating to division property or division projects have been retired. After such bonds have been retired, any amount remaining to the credit of the authority in this fund at the close of any fiscal year in excess of the amounts required under paragraph II shall lapse and shall be returned to the general fund of the state.

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. Notwithstanding any other provision of law, no money in the fund shall be used for or paid on account of any obligation or liability of the authority related to or arising out of the ownership, operation, or maintenance of airport property or airport projects.

12-G:38 Authorization to Seek Designation as Port of Entry or International Airport and to Establish Foreign Trade Zone and Free Port Area.

I. The authority shall be and is hereby authorized to make application to the Secretary of the Treasury of the United States for the purpose of having Pease Air Force Base, or portions thereof, designated, established, or constituted, a port of entry, or an international airport, pursuant to the Customs Reorganization Act, 19 U.S.C. section 1 et seq., as amended, and 19 U.S.C. section 58b, as amended, and regulations of the United States Customs Service, including 19 C.F.R. section 101.0, et seq. and 19 C.F.R. section 122.1, et seq.

II. The authority shall be and hereby is authorized to make application to the Secretary of Commerce of the United States for the purpose of establishing, operating, and maintaining foreign-trade zones in the state of New Hampshire, including without limitation at Pease Air Force Base, pursuant to the Free Trade Zone Act, 19 U.S.C. section 81a, et seq., as amended, providing for the establishment, operation, and maintenance of foreign trade zones in or adjacent to ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes. Unless precluded by federal law, any foreign trade zone or free port area previously under the jurisdiction of the former port authority, and all duties, responsibilities, and obligations associated therewith, shall be transferred to the authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority.

III. The authority shall have full power and authority to select and describe the location of the zone for which application to establish may be made and to make such rules and take such other actions concerning the operation, maintenance, and policing of same as may be necessary to comply with the Free Trade Zone Act and the regulations adopted thereunder, or as may be necessary to comply with such regulations made in accordance with the acts of Congress relating to foreign trade zones. The authority hereby granted to the authority confers on the authority the right and duty to do all things necessary and proper to carry into effect the establishing, maintaining, and operating of foreign trade zones with the state of New Hampshire to comply with the provisions of any acts of Congress or rules promulgated thereunder relating to foreign trade zones or free port areas. The authority shall also be authorized to set and collect fees for the management of any foreign trade zone or free port area established or maintained under this chapter.

IV. The authority shall have full power and authority to lease the right or to erect, maintain, and operate any structures or buildings or enclosures as may be necessary or proper for the establishing and operating of any such foreign trade zones that might be established at Pease Air Force Base or in the state of New Hampshire.

V. The authority shall have the power and the duty to establish areas at Pease Air Force Base and in and around the ports, harbors, and navigable tidal rivers of the state of New Hampshire

wherein personal property in transit shall be exempt from the provisions of the stock-in-trade tax and such other taxes and customs as are normally levied in a port of entry. For the purpose of this section, personal property in transit through the areas established by the authority is defined as follows: goods, wares, and merchandise which is (a) moving in interstate or international commerce through or over the areas hereinbefore established, or (b) which was consigned to a warehouse, public or private, within the state, from outside the state, whether specified when transportation begins or afterward. Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled, or repackaged. The exemption granted shall be liberally construed to effect the purposes of this chapter, provided, however, that the warehouse in which said goods, wares, or merchandise is stored shall not be owned, in whole or in part, by either the consignee or consignor.

**Acquisition and Management of Division Property**

**12-G:39 Acquisition of Land for Port Purposes.** In addition to any other power or authority conferred on the authority under this chapter, the authority, with the approval of the governor and council, may, in the name of the state, purchase, lease, or otherwise acquire lands or interests in land, including options, on, near, or adjacent to the tidal waters of the state suitable for constructing, establishing, and maintaining thereon piers, wharves, warehouses, or other facilities useful and necessary in the encouragement and development of commercial navigation. Before making any such purchase or acquisition, the authority shall submit to the governor and council a detailed description of the land or interests therein to be acquired, together with a statement of the purposes for which the property is suited and the cost of acquisition and estimated cost of development, as well as such other information as the governor and council shall require. The authority, with the approval of the governor and council, may accept gifts of land; and may in like manner accept and apply to the purchase of land or the development thereof, contributions, gifts, or aid in any form made or given for the purpose by any person, firm, or corporation, or by any municipality or by the United States, and may execute instruments necessary to qualify for such contributions, gifts, or aid. Any land or interest in land acquired by the authority pursuant to this section shall be considered division property and not airport property and shall not be included in the airport district.

**12-G:40 Improvements.** The authority, with the approval of the governor and council as to the nature and specifications of the intended project and the cost thereof, may undertake the improvement of any land acquired by it pursuant to RSA 12-G:39 by the construction thereon of piers, wharves, warehouses, or other facilities as specified in RSA 12-G:39. Any such improvement shall, insofar as possible, be self-liquidating; and the authority shall charge just and reasonable fees for the use thereof. All revenue received from such fees shall be considered division revenues, shall be accounted for separately from other revenues of the authority, and, after the deduction therefrom of the cost of operating such project, shall be applied to the amortization of any obligations of the authority related to division projects.

**12-G:41 Reservation of Local Authority.** All towns and cities within the confines of which there are ports, harbors, or navigable tide rivers of the state which are subject to the jurisdiction of the authority, or the division acting on behalf of the authority, shall retain all the powers of such town or city relative to such ports, harbors, and navigable tide rivers and the lands abutting the same, excluding lands located within the boundaries of the former Pease Air Force Base, so long as the authority has not by positive action or definite rule or regulation preempted the jurisdiction hereof. No town or city shall have any jurisdiction over the land or activities at the former Pease Air Force Base except as specifically authorized under other provisions of this chapter.

**Division of Ports and Harbors**

**12-G:42 Additional Powers and Duties.** The authority, acting through its division of ports and harbors, shall be responsible for the former functions, duties, and responsibilities of the port authority and shall have the following powers and duties in addition to any other powers and duties set forth in this chapter:

I. Have the authority to make all necessary arrangements with port authorities of other states and federal departments, agencies, and foreign countries and their port entities for the interchange of business, and for such other purposes as will facilitate and increase the commerce of the ports, harbors, and tidal navigable rivers of the state.

II. Establish offices for the transaction of division business at such places as, in the opinion of the authority, shall be advisable and necessary in carrying out the purposes hereof.



III. Be authorized and empowered to appoint and compensate a chief harbor master and harbor masters for communities within the confines of which there are ports, harbors, or navigable tide waters of the state who will enforce the directives of the authority and the division, such as the placement of moorings, the assignment of anchorage areas, and the movement of traffic. The authority may appoint an assistant harbor master at any such place to assist the harbor master of such place in carrying out the harbor master's duties.

IV. Be authorized and empowered to contract with and secure the services of a port terminal operating firm, subject to approval of governor and council, for the purpose of having such firm operate a part or all of the facilities of the authority, including piers, wharves, warehouses, parking and storage areas, or other facilities owned or leased by the authority acting through the division, with such operating firm having the exclusive right to operate the business of a port terminal operator and stevedore, including but not limited to the handling of cargo, the collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement, and solicitation of business for such port facility or facilities. Such contract with an operating firm shall include the following provisions:

(a) Said firm shall file with the division for its approval a tariff clearly defining the terms "wharfage" and "dockage" and the charges to be made therefor;

(b) The amount of minimum payments per year satisfactory to the authority to be paid to it for the exclusive right to operate upon the marine terminal, as described in the contract, the business of a port terminal operator and stevedore;

(c) The amount retained by said firm from all fees for which it is accountable, said amount being a percentage to cover administrative costs of collection;

(d) Said firm to supply a ship's manifest for every vessel using said facilities;

(e) Said firm to provide a performance bond in an amount and form acceptable to the authority, as well as insurance in amounts acceptable to the authority for fire and extended coverage, public liability, property damage, and other risks as required by the authority, the insurance company or companies to be licensed to do business in New Hampshire and to be acceptable to the authority;

(f) Said firm to file quarterly reports with the division indicating the amount of all fees for which it is accountable to the authority, the amounts collected, and the amounts retained, with a certified audit prepared by a certified public accountant submitted annually;

(g) Such other appropriate provisions which in the opinion of the attorney general will carry out the intent of this section and best protect the interest of the authority and of the state.

V. Set and collect fees for mooring and slip permits and waiting lists for such permits. The authority shall establish fees for slips in harbors and tidal rivers that are equal to or proportional to the fees for moorings in harbors. Fees shall not be charged for slips at industrial piers along the Piscataqua River or at state-owned piers in harbors. The fees for slips shall be paid into the harbor dredging and pier maintenance fund established under RSA 12-G:46.

VI. Install and continually maintain a uniform system for marking the intercoastal waters of the state including the state ports, harbors, and navigable tidal rivers not presently marked by the United States Coast Guard, using funds collected from the fees required under RSA 270-E:3, III, and any other funds so appropriated. Said marking system shall be installed on an incremental basis and maintained as necessary.

VII. Have the responsibility for and jurisdiction over the state-owned commercial fishing piers and facilities at Portsmouth, Rye Harbor, and Hampton Harbor except as provided in RSA 12-A:7-a.

VIII. Adopt rules, pursuant to RSA 541-A, relative to:

(a) Port captains, pilots, and pilotage.

(b) Harbors and harbor masters.

(c) Setting and collecting fees for moorings, slips, waiting lists, and pilotage. A table of such fees shall be attached to the commission of each pilot.

(d) Setting and collecting fees authorized in the foreign trade zone and free port areas.

(e) Civil and criminal penalties for violations of the rules of the division.

(f) Any matter necessary for the proper administration of the division.

IX. Encourage any contractor bidding on a division project at the port of Portsmouth which is funded through the division or the state of New Hampshire, to employ the maximum possible number of New Hampshire residents. For the purposes of this paragraph, "resident" shall mean any person maintaining a dwelling within the state of New Hampshire who has a present intent to remain within the state for a period of time.



## 12-G:43 Division of Ports and Harbors.

I. There is established within the authority a division of ports and harbors. The division of ports and harbors shall:

(a) Plan for the maintenance and development of the ports, harbors, and navigable tidal rivers of the state of New Hampshire from the head of navigation to the seaward limits within the jurisdiction of the state, in order to foster and stimulate commerce and the shipment of freight through the state's ports and, as an agency of the state, to assist shipping, and commercial and industrial interests that may depend on the sea for transport of products, including such interests as may be desirous of locating in tidewater areas of the state; as well as to encourage the establishment of accommodations for the boat traveler, the area boat owners, the pleasure fishermen, and others who pass up and down our coast line or in its tributaries.

(b) Aid in the development of salt water fisheries and associated industries.

(c) Cooperate with any agencies or departments of the federal government in planning the maintenance, development, and use of the state ports, harbors, and navigable tidal rivers.

(d) Plan, develop, maintain, use, and operate a heliport facility on property owned or controlled by the division. The division shall cooperate with departments, agencies, authorities, or commissions of the federal, state, or local governments and accept grants, aid, or services from such agencies in the carrying out of this purpose. Such authorization relating to heliport facilities shall include and be governed by all other provisions of this chapter.

(e) Maintain at all times a complete inventory of division property and port projects.

(f) Perform such other duties and functions relating to the administration, management, and operation of division property and division projects as are assigned to division by the authority.

II. The board shall appoint a director of the division of ports and harbors, who shall be the administrative officer of the division and who shall have general and active supervision and direction over the day-to-day business and affairs of the division and its employees, subject, however, to the direction and control of the board and the executive director. The division director shall perform all such other duties as from time to time may be assigned by the board or the executive director. The division director shall hold office for an indefinite term at the pleasure of the board. The division director shall also be the secretary of the division of ports and harbors advisory council, shall keep a record of the proceedings of the council, and shall be the custodian of all books, documents, and papers filed with the division or the ports and harbors advisory council. The division director shall have the power to cause copies to be made of all minutes and other records and documents of the council and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the division or authority may rely upon such certificates. In addition to the classified employees of the division, the division director, with the concurrence of the executive director, may employ such assistants and clerical and administrative staff as are within the limits of funds available for that purpose. The salary of the division director shall be established by the board.

## 12-G:44 Division of Ports and Harbors Advisory Council.

I. There is hereby established a division of ports and harbors advisory council consisting of 8 members, 6 of whom shall be appointed by the governor, with the advice and consent of the council. At least 3 of said appointive members shall be residents of the cities and towns of the seacoast region or tidal waters and at least one appointive member shall be a commercial fisherman engaged in that industry on the seacoast, and each shall serve for a term of 5 years. Said members shall serve until their successors are appointed and qualified. Any vacancy occurring in the membership of the appointive members shall be filled by the governor and council for the unexpired term. In addition to the 6 appointive members, the commissioner of the department of resources and economic development and the mayor of the city of Portsmouth shall be, by virtue of their offices, members of the council.

II. The council shall elect one of its members as a chairman, one as a vice-chairman, and one as a treasurer. The members of the council shall receive no compensation for their services; but their reasonable expenses, incurred in the performance of their duties, shall be paid by the state. The council shall have the right to establish bylaws for the management of its affairs within the meaning of this chapter and the laws of the state. The division shall provide the council with the administrative support necessary to carry out its responsibilities under this chapter.

III. The council shall consult with and advise the division director with respect to the policy, programs, and goals of the division, the operation of the port, the selection of harbor masters and

assistant harbor masters, and the procurement of services of a port terminal operating firm. In order to accomplish said purposes, the council shall meet with the division director no less frequently than quarterly, or at the call of the chairman or 3 council members. All potential conflicts of interest shall be adequately disclosed. The council shall file annually a report of its deliberations and recommendations with the board and the executive director.

IV. The division director shall present all rules proposed to be implemented by the authority under RSA 12-G:42, VIII to the council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to the proposed rule to the division director and to the board in writing within 15 days of submission to the council by the division director. The authority may adopt a rule to which the council has objected only after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

12-G:45 Dredge Management in Tidal Waters. The division, subject to the supervision of the authority and in consultation with the division of ports and harbors advisory council, shall be responsible for managing harbor and channel dredging activities within the tidal waters of the state. The division shall:

I. Assess the existing dredge permitting process with state and federal permitting agencies for the purposes of identifying an improved review process.

II. Establish and implement a process to ensure that dredging projects are completed in a timely and cost effective manner, recognizing the need to:

(a) Coordinate with and utilize the services of the local and private sector to establish a reliable program; and

(b) Work in conjunction with other state and federal agencies to ensure uniform and timely compliance with other laws, regulations, and rules, including, but not limited to, permitting in accordance with RSA 482-A and RSA 485-A and to ensure that a certificate of consistency is obtained from the coastal zone management program; and

(c) Develop a long-range plan and schedule to serve as a guide for individual dredging activities.

III. Initiate and implement dredging projects, which may include dredging performed by the authority, to maintain and improve channels and harbors in accordance with the long-range plan and schedule.

IV. Submit an annual report to the senate president, the speaker of the house of representatives, and the governor and council on the status of current dredging projects and the projection of future dredging projects and costs.

#### 12-G:46 Harbor Dredging and Pier Maintenance Fund Established.

I. There is hereby established a harbor dredging and pier maintenance fund to be used by the authority acting through the division to meet its obligation to initiate and implement dredging projects to maintain channels and harbors, and to initiate projects to maintain public piers in safe and efficient condition.

II. The fund shall be nonlapsing and continually appropriated for the purposes of initiating and implementing harbor dredging projects and maintaining public piers. The authority shall, in each biennium, request annual appropriations to the fund in an amount sufficient to provide for the funding of the authority's periodic harbor dredging and pier maintenance efforts. The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

III. The authority shall not encumber, obligate, or expend any funds from the harbor dredging and pier maintenance fund without the prior approval of the capital budget overview committee. Pilots and Harbor Masters

12-G:47 Pilots. The authority, in consultation with the division director and the division of ports and harbors advisory council, may adopt rules prescribing the qualifications of pilots, and from time to time appoint and commission, under its hand and seal, as many pilots as it may judge necessary, and remove the same at pleasure; and it shall take from them such security, by bond or otherwise, as it may deem proper.

12-G:48 Authority of Pilot. Any pilot appointed by the authority, who has given security for the faithful discharge of his or her duties, may take charge of any vessel, except pleasure or fishing vessels, or a vessel of 150 registered or enrolled tons and under, and shall pilot such vessel into and out of the river and harbor of the Piscataqua, first showing to the master thereof the pilot's appointment if requested.

12-G:49 Pilots Required. All vessels (except pleasure or fishing vessels, or vessels of 150 registered or enrolled tons or under, and U.S. flag coastwise vessels with a Federal pilot aboard) are required to be piloted by a pilot appointed by the authority into and out of the Piscataqua River and harbor from a point designated by the authority.

12-G:50 Chief Harbor Master.

I. Subject to the supervision of the authority and the division director, the chief harbor master's duties shall include but not be limited to the following:

- (a) Enforcement of authority directives and rules adopted pursuant to RSA 12-G:42, VIII.
- (b) Management of the assignment and placement of moorings.
- (c) Designation of anchorage areas.
- (d) Management of navigation aides outside of the federal channel.
- (e) Management of the movement of traffic, as necessary.
- (f) Direction of the removal or movement of vessels during emergencies.
- (g) Overseeing the dredge management program.
- (h) Overseeing the harbor management program.
- (i) Inquiring into and prosecuting all offenses occurring within the chief harbor master's jurisdiction.

(j) Any other duties assigned by the authority or the division director.

II. The assistant harbor masters shall assist the chief harbor master in the performance of the chief harbor master's duties.

12-G:51 Power of Arrest. The chief harbor master shall have all of the powers of a police officer to make arrests for violations of the provisions of this chapter and rules adopted under the provisions of RSA 12-G:42, VIII.

12-G:52 Penalty. Whoever violates any of the rules of the authority adopted under the authority of RSA 12-G:42, VIII, or refuses or neglects to obey the lawful and reasonable orders of the chief harbor master, or resists the chief harbor master in the execution of the chief harbor master's duties, shall be guilty of a class B misdemeanor.

Construction and Effect of Other Laws

12-G:53 Construction and Effect of Other Laws.

I. All actions and proceedings of the authority shall be governed by the provisions of RSA 91-A.

II. Purchases and contracts of the authority may be made or let without regard to any provision of law relating to public purchases or contracts.

III. Except for rules adopted pursuant to RSA 12-G:42, VIII, the authority shall be exempt from the provisions of RSA 541-A and may adopt rules and bylaws in accordance with its own procedures. Except for rules adopted pursuant to RSA 12-G:42, VIII, the authority shall file in the office of legislative services a copy of all rules and bylaws adopted, amended, or repealed by the authority. All such rules and bylaws shall be filed in the office of legislative services within 7 days of such adoption, amendment, or repeal.

IV. Any rule adopted by the authority pursuant to RSA 12-G:42, VIII or RSA 12-G:47 shall be adopted in accordance with the provisions of RSA 541-A.

V. The provisions of this chapter shall be liberally construed in order to effect its purpose.

VI. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

Amend the bill by deleting sections 7-9 and renumbering the original sections 10-22 to read as 7-19, respectively.

Amend the bill by replacing section 7 with the following:

7 Compensation of Certain State Officers; Group L Reference Deleted. Amend RSA 94:1-a, I by deleting in Group L:

Director, port authority

Amend the bill by replacing section 15 with the following:

15 Shoreland Exemptions; Reference Changed. Amend RSA 483-B:12, IV to read as follows:

IV. The [state port authority] *Pease development authority, division of ports and harbors* may request an exemption under this section for all or a portion of any land purchased, leased, or otherwise acquired by it pursuant to RSA [271-A] *12-G:39*.



Amend the bill by inserting after section 17 the following and renumbering the original sections 18-19 to read as 19-20, respectively:

**18 Applicability; Appointments and Terms.**

I. The appointments and terms of office of the members on the effective date of this act of the Pease development authority board of directors shall not be affected by the provisions of this act.

II. The members on the effective date of this act of the port authority board shall constitute the initial members of the division of ports and harbors advisory council pursuant to RSA 12-G:44. Such members appointed by the governor shall serve until such time as their respective terms were scheduled to expire pursuant to RSA 271-A:1.

III. The director of the port authority on the effective date of this act shall serve as the initial director of the division of ports and harbors pursuant to RSA 12-G:43, II until such time as the Pease development authority board of directors appoints a successor.

Adopted.

Rep. Bowles spoke against.

Rep. Leber spoke in favor and yielded to questions.

Rep. Shultis requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

**YEAS 220 NAYS 98**

**YEAS 220**

**BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Stevens, Stanley	Sullivan, P Judith		

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Manning, Joseph	Meador, David	Roberts, William
Royce, H Charles	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Benn, Bernard	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Lovett, Sid	Marshall, Gene	Mirski, Paul	Pawlek, Marion
Scanlan, David	Sova, Charles	Teschner, Douglass	Ward, Brien
Williams, Burton			

**HILLSBOROUGH**

Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Dokmo, Cynthia	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Furman, Christine	Gargasz, Carolyn	Golding, William	Goulet, Maurice



Graham, John  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Tahir, Saghir  
Wheeler, Robert

Greenberg, Gary  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
Moran, Edward  
Reeves, Sandra  
Seibel, Christopher  
Thompson, Rob  
White, Donald

Guinta, Frank  
Hopper, Gary  
L'Heureux, Robert  
Lefebvre, Roland  
Mercer, Robert  
O'Connell, Timothy  
Rowe, Robert  
Souza, Kathleen  
Thulander, O Alan

Hall, Charles  
Jean, Loren  
LaFlamme, Paul  
Lessard, Rudy  
Messier, Irene  
Pappas, Marc  
Salts, Greg  
Spiess, Paul  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Cummings, Raymond  
Fraser, Leo Jr  
Jacobson, Alf  
Lockwood, Priscilla  
Whalley, Michael

Bouchard, Candace  
Davis, Frank  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Whittemore, James

Brewster, Richard  
Dunne, Christopher  
Hess, David  
Langer, Ray  
Poulin, David  
Winter, Steven

Colcord, J D  
Feuerstein, Martin  
Hutchinson, John  
Leber, William  
Swindlehurst, John

### ROCKINGHAM

Belanger, Ronald  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John Sr  
Gleason, John  
Hutchinson, Karen  
Katsakiores, George  
Langone, John  
Nowe, Ronald  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas  
Woekel, Ralph

Bishop, Franklin  
Clark, Vivian  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Packard, Sherman  
Rausch, James  
Sloan, Stephen  
Welch, David  
Zolla, William

Camm, Kevin  
Corbin, Corey  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Karl  
Hill, Jonathan  
Johnson, Robert  
Kelley, William  
Major, Norman  
Palermo, Diane  
Robertson, Carl  
Stone, Joseph  
Weyler, Kenneth

Carson, Sharon  
Cox, Russell  
Dodge, Robert  
Flanagan, Natalie  
Giordano, Ronald  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy  
Power, Lucille  
Ruffner, Walter  
Stritch, C Donald  
Whittier, John

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
McCarthy, Gerald

Bickford, David  
Harrington, Michael  
Reid, Christopher

Brown, Julie  
Knowles, William  
Twombly, James

Cossette, Larry  
Lent, Donald  
Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr  
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

### NAYS 98

### BELKNAP

Holbrook, Robert

Johnson, William

Wood, Jane

### CARROLL

None

### CHESHIRE

Allen, Peter  
Richardson, Barbara

Burnham, Daniel

Espiefs, Peter

Mitchell, McKim

### COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Scovner, Nancy

Cooney, Mary

Naro, Debra

Nordgren, Sharon

**HILLSBOROUGH**

Andosca, Mary  
Carlson, Donald  
Daigle, Robert  
Foster, Linda  
Hall, Betty  
Lynde, Harold  
Palangas, Eric  
Sweeney, Cynthia

Balcom, John  
Clayton, William  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Kacavas, John  
McDonough-Wallace, Alice  
Panagopoulos, Nicholas  
Williams, Carol

Baroody, Benjamin  
Coughlin, Pamela  
Drisko, Richard  
Goley, Jeffrey  
Konys, Christine  
Melcher, Harold  
Schulze, Joan

Buckley, Raymond  
Craig, James  
Duval, Jeffrey  
Gorman, Mary  
Lasky, Bette  
Movsesian, Lori  
Shaw, Barbara

**MERRIMACK**

Clarke, Claire  
Gile, Mary  
Potter, Frances  
Wallner, Mary Jane

Daneault, Gabriel  
Greco, Vincent  
Rodd, Beth  
Yeaton, Charles

Fraser, Marilyn  
Moore, Carol  
Rush, Deanna

French, Barbara  
Perkins, Randy  
Seldin, Gloria

**ROCKINGHAM**

Blanchard, MaryAnn  
Henderson, Warren  
Micklon, Stephanie  
Quandt, Matthew  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Kane, Cecelia  
Norelli, Terie  
Shultis, Elizabeth

Clark, Martha Fuller  
Langley, Jane  
Pitts, Jacqueline  
Splaine, James

Coes, Betsy  
McGuire, Robert  
Quandt, Marshall  
Trueman, Raymond

**STRAFFORD**

Brennan, William  
Hughes, Christopher  
Rollo, Michael  
Wall, Janet

Callaghan, Frank  
Johnson, Nancy  
Smith, Marjorie  
Woodill, Rodney

Estabrook, Iris  
Pelletier, Arthur  
Snyder, Clair

Grassie, Anne  
Pelletier, Marsha  
Taylor, Kathleen

**SULLIVAN**

Burling, Peter  
Harris, Joseph

Cloutier, John  
Phinizy, James

Ferland, Brenda

Franklin, Peter

and the report was adopted.  
Ordered to third reading.

**HB 715-FN**, relative to the New Hampshire port authority. **INEXPEDIENT TO LEGISLATE**  
Rep. Michael J. Rozek for Public Works and Highways: The committee studied this bill, and as the bill is proposed, this would increase the state owned New Hampshire Port Authority appointed board of director members from eight to eleven. As this bill is worded, seven or more of these members could be directly from the city of Portsmouth. All of the issues concerning the Port Authority were not addressed with this bill. In addition, the committee agreed that this bill would not address or correct the main areas of concern with the Port Authority. The main issues of concern with the Port Authority were included in HB 543-FN, which was approved by this committee with a vote of 17-2, therefore, this bill was not needed. Vote 14-5.

Adopted.

**SUSPENSION OF RULES**

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit the deadline for the House to act on all House FN bills and budgets and for committees to report lists of retained House bills to be Thursday, May 3, 2001.

Adopted by the necessary two-thirds.

**SPECIAL ORDER**

Without objection, the Speaker ordered that all-remaining bills on today's calendar be made a Special Order for Thursday, May 3, 2001.

## RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 3, 2001 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 393-FN**, relative to plant nurseries and nursery stock.

**HB 610**, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire.

**HB 676-L**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream.

**HB 105-FN-A**, establishing an agricultural nutrient management program and making an appropriation therefor.

**HB 177-FN-A**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor.

**HB 270-FN**, increasing the mileage reimbursement rate for members of the legislature.

**HB 276-FN-A**, relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor.

**HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor.

**HB 295-FN**, relative to medicaid recoveries from third party settlements.

**HB 328-FN-L**, relative to fees of sheriffs and deputy sheriffs.

**HB 350-FN**, relative to persons with disabilities participating in the work incentive program.

**HB 354-FN-A-L**, extending the kindergarten construction program.

**HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor.

**HB 152**, relative to expanding the legal methods of taking deer.

**HB 720**, relative to permitting the use of certain firearms for hunting deer

**HB 760-FN**, relative to use of silencing devices for taking game.

**HB 463-FN**, relative to protective services to adults.

**CACR 5**, relating to the rulemaking authority of the supreme court. Providing that supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

**HB 252**, relative to rules promulgated by the supreme court.

**HB 450**, relative to certain work product under the right-to-know law.

**HB 452**, establishing a committee to study the reimbursement for expenses of legislators.

**HB 574**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law.

**HB 543-FN**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Rep. Dickinson served notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby it found **HB 469-FN-L**, relative to the applicable minimum wage for hourly employees, Inexpedient to Legislate.

## RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:10 p.m.

RECESS

**(Rep. Alger in the Chair)**

**SENATE MESSAGES**

**CONCURRENCE**

*HB 124*, establishing a committee to study on-line and electronic voting.

*HB 273*, relative to the purpose of state jurisdiction of fish and game regulation.

*HB 377*, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney.

*HB 397*, establishing a committee to study the status of veterans in New Hampshire.

*HCR 11*, a resolution to evaluate regional transportation infrastructure links.

**NONCONCURRENCE**

*HB 116*, establishing a policy for naming state highways, bridges, and buildings.

*HB 479*, relative to dead bodies.

*HB 504*, establishing a committee to study the feasibility of requesting the fish and game department to develop shooting ranges in each of the wildlife management units.

**RECESS**

**(Rep. Burling in the Chair)**

**ENROLLED BILL AMENDMENTS**

*HJR 3*, encouraging the preservation of the system of locks on the Merrimack river.

**Amendment (1055-EBA)**

Amend the resolution by replacing line 1 with the following:

Whereas, the system of locks on the Merrimack river built during the nineteenth century was a

Amend the resolution by replacing line 5 with the following:

Whereas, this system of locks represents a link to New Hampshire's historical past; and  
Adopted.

*HB 242*, extending the reporting deadlines for certain study committees and commissions.

**Amendment (1057-EBA)**

Amend section 3 of the bill by replacing line 2 with the following:

Amend 1999, 334:5 to read as follows:

Adopted.

**RECESS**

**(Speaker Chandler in the Chair)**

**RESOLUTION**

Rep. Herman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 22, 53, 88, 101, 128, 131, 132, 134 and 165 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS**

**First, second reading and referral**

*SB 22*, requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program. (Executive Departments and Administration)

*SB 53*, relative to attorneys' fees in certain circumstances under the workers' compensation law. (Labor, Industrial and Rehabilitative Services)

*SB 88-FN-A*, establishing a travel and tourism development fund in the department of resources and economic development and making an appropriation therefor. (Resources, Recreation and Development)

*SB 101-FN*, relative to mooring permits and fees. (Resources, Recreation and Development)



**SB 128**, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury. (Labor, Industrial and Rehabilitative Services)

**SB 131-FN-A**, establishing a study committee relative to charitable bingo operations. (Commerce)

**SB 132**, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends. ((Executive Departments and Administration)

**SB 134-FN-A**, establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways (Public Works and Highways).

**SB 165-FN**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use. (Transportation)

### COMMITTEE ASSIGNMENT

Rep. Tate on Labor, Industrial and Rehabilitative Service.

### RECESS

### (Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 16**

Thursday, May 3, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O God, the fountain of wisdom whose will is good and gracious and whose law is truth. We ask You to guide and bless the members of this honorable House that they may enact such laws as shall please You and uphold the freedom and dignity of each citizen of our beloved New Hampshire. Amen.

Rep. Frank Davis led the Pledge of Allegiance.

Emily Sydow, a student from Alton High School, sang our National Anthem.

**LEAVES OF ABSENCE**

Reps. Barker, Batula, Julie Brown, Cardin, Goulet, McDonough-Wallace, Mikowski, Irene Pratt and Donald White, the day, illness.

Reps. Bellavance, Carson, Colcord, DePecol, Franklin, Jeff Gilbert, Introne, Movsesian, O'Keefe, and Sokol, the day, important business.

Reps. Ford and Solow, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Rep.-elect George Liebl, guest of Reps. Fairbanks, Edwards and Dexter. Mrs. Shirley Smith Cohen and the Honorable Sir John Plowman, guests of Reps. Drisko and Gargas. Daniel Norelli, son of Rep. Norelli. Students from the Ashland Elementary School, guests of the House.

**SPECIAL GUESTS**

Members of the Taiwan Importers and Exporters Chamber of Commerce, Yin Lieh Chuang, Chairman of the trade delegation and Commissioner George Bald, New Hampshire Department of Resources and Economic Development, guests of the House.

**COMMUNICATION**

May 3, 2001

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this Day:

Hillsborough 29, David J. Gleneck, r, Nashua (34 Tampa Street) 03064

William M. Gardner, Secretary of State

**SPECIAL ORDER – REGULAR CALENDAR PART II**

**HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes, and establishing a temporary moratorium on new all terrain vehicle and trail bike trails. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill creates a study committee to address, and hopefully resolve, the conflicts and complexities regarding state-operated trails for all terrain vehicles (ATVs). The study will bring the interested parties to the table with the intent of arriving at a workable model to balance user needs and landowner interests on state-operated trail systems. The committee removed the moratorium on state ATV or trail bike trails with assurances from the Department of Resources and Economic Development (DRED) that they would not pursue development of new trail systems on state lands until the study was completed. The committee also amended the bill to increase the cost for non-resident snowmobile registrations to \$60, a \$15 increase. The reasoning for the change comes as a result of two factors. First, the state of Maine plans to repeal the reciprocity agreement previously held with New Hampshire snowmobile operators. And, second, due to heavy trail maintenance demands during this long winter

season, the grant funds available via DRED have been totally depleted. The increased registration fee will still be below these non-resident registration costs of our neighboring states. Vote 14-0.

### Amendment (0869h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

Amend the bill by replacing all after section 5 with the following:

6 OHRV Nonresident Registration; Increase for Snow Traveling Vehicles. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-\$36 for each 2-wheeled trail bike registration, *\$60 for each snow traveling vehicle registration*, or \$45 for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, *\$36 of each snow traveling vehicle registration*, or \$22 of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, *\$12.10 from each snow traveling vehicle registration or \$11.10 from each 2-wheeled trail bike or other OHRV registration* shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes.

This bill also increases the nonresident OHRV registration fees for snow traveling vehicles.

Adopted.

Report adopted and ordered to third reading.

**HB 769-FN-L**, relative to fees paid by municipalities for excavating and dredging permit applications. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: Current excavating and dredging permit applications are calculated on a per-square foot formula and large projects such as the one pending for the Cochecho River could cost as much as \$45,000 for the permit alone. As this would grossly exceed the real cost to the Department of Environmental Services (DES), the committee recommends passage of this bill to cap those applications with a maximum fee of \$10,000. It was also indicated that future legislation will be filed to explore another method for calculating application fees which more accurately reflects the cost to process the application. Vote 13-2.

### Amendment (0844h)

Amend RSA 482-A:3, X(b) as inserted by section I of the bill by replacing it with the following:

*(b) For tidal dredging projects with the primary purpose to improve navigation for a municipality, the maximum application fee for a municipality shall be \$10,000 per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the department. The department may enter into a memorandum of agreement with a municipality to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their standard application fees.*

Adopted.

Report adopted and ordered to third reading.

**HB 423**, relative to public utilities mergers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: Due to germaneness the committee held a second public hearing on HB 423. The amendment replaces all of the original language that dealt with Public Utilities Commission (PUC) review of utility mergers. This committee amendment

makes several alterations to the electric industry deregulation statute due to significant changes in the marketplace for electricity since that statute was enacted in June 2000. Those marketplace changes include sharply escalating commodity prices for crude oil and natural gas that remain high. Customer payments for installed electric generation capacity (set by the Federal Energy Regulatory Commission) have increased dramatically. Uncertainty in the regional electric markets is also probably contributing to higher prices. The bottom line in New England: the market price of generated electricity (without any delivery charges) has almost doubled since June 2000. The price of electricity in New England has increased for most utilities regardless of their regulatory or deregulatory status. For instance Unitil, a fully regulated utility that serves the Seacoast and Capital regions of New Hampshire, recently increased rates by 25%. Against this backdrop of higher electricity prices and volatility, the committee believes changes are necessary to the deregulation statute in order to prevent large price increases for industrial and commercial customers and cost deferrals (which would need to be paid back later with interest) for residential customers. The primary change is that the PUC would not proceed with the sale of all of PSNH generation assets at this time. PSNH would retain its coal and oil fired generation assets for two additional years unless the PUC determines that an earlier sale makes sense because electricity markets have stabilized. PSNH would use these generation assets to supply electricity to customers on Transition Service that is designed for customers who have not made a competitive choice of an electricity generator. These PSNH coal and oil generation assets are low cost in comparison to the market price of electricity in New England. The market price of electricity in New England is about \$80 per megawatt hour (mwh). PSNH's cost is about \$45 per mwh. PSNH would supply this power at their cost of service or alternatively the PUC would have authority to raise the price of this power to a market rate if PSNH's stranded costs are "fully, effectively, and contemporaneously mitigated." What that means is that the PUC could establish market rates in order to jump-start customer choice. However, the PUC could only do this if stranded costs are reduced on a dollar for dollar basis and a customer's overall rates do not increase because the increased price of power is balanced by a corresponding decrease in stranded costs. Requiring PSNH to retain its coal and oil assets recognizes that electricity markets are still forming in New England and that keeping a lid on electricity prices in New Hampshire is critical to the state's economy especially if an economic slowdown is coming. With recent higher electricity prices, this proposed change in law would allow New Hampshire to move forward with electric deregulation rationally. The PUC will retain control over the sale of these low cost generation assets and as such should provide a hedge against price increases and volatility in New England. The legislation recognizes that Seabrook ought to be sold both to reduce stranded costs and shift nuclear risk to new owners. Virtually everyone agrees that a quick sale of Seabrook makes sense. The amendment also lengthens the time period that Transition Service may be provided for under the PSNH settlement. Conservation funding is also increased. Demand for electricity is increasing in New Hampshire. Increasing conservation funding will help to limit price volatility and price spikes during periods of peak demand. The amendment makes certain that PSNH receives the full incentive if they can successfully renegotiate high priced wood to energy plants costs. The amendment allows a temporary surcharge in order to reduce deferrals. It should be noted that this surcharge would not be necessary as long as PSNH retains its coal and oil generation assets. Lastly, the amendment states that the secure bonding authority enacted in law in June 2000 and approved by the PUC shall not be influenced by any of legislative changes. That bonding triggers the PSNH write-off of about \$450 million and the approximate 10% additional rate reduction due to take affect on May 1. With passage of this legislation PSNH customers will receive the benefits of the Settlement and should avoid price spikes that have plagued many regions of the country including New England. Lastly, it should be noted that 6700 megawatts of generation capacity in New England (including 1245 megawatts in New Hampshire) are due to come on line by the summer of 2002. The region is addressing supply and demand issues unlike other states that have not built new power plants, particularly in the west. 6700 megawatts represents about 25% of the region's existing generation capacity. Vote 16-0.

#### **Amendment (0835h)**

Amend the title of the bill by replacing it with the following:

AN ACT      relative to the sale of generation assets, the provision of transition service, and the funding of the energy efficiency program for Public Service Company of New Hampshire.



Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that:

I. Commodity prices for oil and natural gas have substantially increased in the past year, resulting in higher wholesale electricity prices in New Hampshire and throughout the New England region. The higher wholesale electricity prices have prevented competitive electricity suppliers from being able to compete with standard transition service causing them to exit the market or not even enter it in the first place.

II. Given the increase in wholesale electricity prices and the potential lack of a significant number of viable competitive suppliers, it is important that measures be taken to protect customers from the potential of a noncompetitive and volatile electricity market. A critically important measure that should be undertaken to protect customers from price volatility and a noncompetitive market is for the public utilities commission to delay the divestiture of Public Service Company of New Hampshire's ("PSNH") fossil generation assets until the commission determines such sale is in the public interest. Delay in the divestiture of PSNH's fossil generation assets would allow for the use of those assets to serve transition service. While this delay in divestiture dates is in the public interest today, the general court finds that competitive electricity markets should provide benefits for customers over the long term. When the sale of PSNH's fossil assets is in the public interest, the public utilities commission should proceed with the sale of those assets in order to establish competitive electricity markets.

III. The planned sale of PSNH's generation assets will be done in a manner consistent with RSA 374:30.

IV. Changes to RSA 369-B and RSA 374-F which are designed to protect PSNH customers from current price volatility must be accomplished in a manner that shall not affect the validity, effectiveness, or finality of Order No. 23,550 issued by the public utilities commission, and does not diminish the value of the settlement agreement to either PSNH or PSNH's customers.

2 Limited Electrical Energy Producers; Retention of Savings by Electric Utility. Amend RSA 362-A:4-d to read as follows:

362-A:4-d Retention of Savings by Electric Utility. An electric utility that is party to an approved renegotiation of a commission order under RSA 362-A:4-c shall be entitled to retain ~~up to~~ 20 percent of the savings resulting from such renegotiation~~, subject to order of the commission~~.

3 Authority to Issue Finance Orders; Transition Service. Amend RSA 369-B:3, IV(b)(1)(A)-(D) to read as follows:

(A) *For purposes of implementing RSA 369-B:3, IV(b), transition service shall be available for the periods of time set forth in subparagraphs (b)(1)(B) and (b)(1)(C), subject to the commission's authority to lengthen the transition service period under RSA 374-F.* From competition day until ~~[initial transition service end day]~~ *the completion of the sale of PSNH's ownership interests in fossil and entitlement interests in nuclear generation assets located in New Hampshire*, PSNH shall supply *such* transition service and default service in its retail electric service territory *from its generation assets and, if necessary, through supplemental power purchases in a manner approved by the commission.* ~~[After initial transition service end day]~~ *Once PSNH is no longer supplying transition service, to the extent applicable,* any provider or providers of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service. The commission may, if it finds it to be in the public interest, divide the competitive bid process into multiple categories or multiple competitive bids;

(B)(i) Transition service for residential customers, street lighting customers, and general delivery service rate G customers shall be available until 24 months after initial transition service end day. From competition day until initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to 12 months after initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour, or the competitively bid price for transition service, whichever is less. From 12 months after initial transition service end day to 24 months after initial transition service end day, the price of transition service for these customers shall be \$0.046 per kilowatt-hour, or the competitively bid price for transition service for these customers, whichever is less. If the competitively bid price exceeds these fixed prices, the differences shall be reconciled for these customers in the manner prescribed in the original proposed settlement;

(ii) *If the commission extends transition service beyond 33 months while PSNH retains its fossil generation assets, the price of transition service during such period may be*

*PSNH's actual, prudent, and reasonable costs of providing such power, as approved by the commission. The commission, in approving such transition service pricing, shall also consider setting a transition price which will facilitate a smooth transition to market prices, provided the commission determines such transition effectively, fully, and contemporaneously mitigates stranded costs and is in the public interest.*

(iii) At the end of the transition service period, up to 25 percent of the residential customers, street lighting customers, and general delivery service rate G customers who have not chosen a competitive supplier may be assigned randomly to registered competitive suppliers other than the transition service supplier or suppliers, if the commission finds such random assignment to be in the public interest. The commission shall develop procedures and regulations for this assignment process. Any random assignment must be affirmatively approved by an individual customer;

(C) Transition service for all other customers shall be available until 12 months after initial transition service end day. From competition day to initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to ~~[12 months after initial transition service end day]~~ *the day that PSNH ceases to provide transition service*, the price of transition service for these customers ~~[shall] may be PSNH's actual, prudent, and reasonable costs of providing such power as approved by the commission. The commission may extend transition service for these customers if it determines an extension to be in the public interest. The commission, in approving such transition service pricing, shall also consider setting a transition price which will facilitate a smooth transition to market prices, provided the commission determines such transition effectively, fully, and contemporaneously mitigates stranded costs and is in the public interest. Thereafter, the price of transition service shall be the competitively bid price for transition service;~~

(D) Any difference between the price of transition service from competition day to ~~[initial transition service end day]~~ *the day that PSNH ceases to provide transition service* and PSNH's actual, prudent, and reasonable costs of providing such power *as determined by the commission* shall first be separated between the 2 groups of customers described in subparagraphs (b)(1)(B) and (b)(1)(C), used first to offset any differences described in subparagraph (b)(1)(B), and the net then reconciled for each group of customers either by changing the recovery end date, or by decreasing the stranded cost recovery charge, as the commission finds to be in the public interest;

4 Authority to Issue Finance Orders; System Benefits Charge. Amend RSA 369-B:3, IV(b)(6) to read as follows:

(6) The total system benefits charge shall be ~~[fixed at \$0.002]~~ *no greater than \$0.003* per kilowatt-hour for 33 months from competition day divided between low-income assistance and energy efficiency/conservation programs. In the event that the commission finds that a significant amount of unencumbered dollars have accumulated in either program, and are not needed for program purposes, the commission shall refund such unencumbered dollars to ratepayers in a timely manner;

5 Electric Utility Restructuring Policy Principles; Universal Service; Default Service. Amend RSA 374-F:3, V(c) to read as follows:

(c) Default service should be designed to provide a ~~[temporary]~~ safety net and to assure universal access and system integrity. Default service should be procured through the competitive market ~~[and based on short-term market prices;]~~ and may be administered by independent third parties. The ~~[cost]~~ *allocation of the costs* of administering default service should be borne by the customers of default service *in a manner approved by the commission*. If the commission determines it to be in the public interest, the commission may implement measures to discourage misuse, or long-term use, of default service. Revenues, if any, generated from such measures should be used to defray stranded costs.

6 Electric Utility Restructuring; Implementation; System Benefits Charge; Energy Efficiency Programs. Amend RSA 374-F:4, VIII(b) to read as follows:

(b) ~~[The system benefits charge referred to in RSA 374-F:3, VI shall be limited as follows:~~

(1) ~~During the first year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge due to energy efficiency programs, new renewable programs, and programs for low-income customers shall not exceed 2.5 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission.~~

(2) ~~During the first and second year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge referred to in RSA 374-F:3, VI due to en-~~

ergy efficiency programs, new renewable programs, and programs for low-income customers shall not exceed 3 mills per kilowatt hour for any utility [~~whose rates are at or above regional average as determined by the commission~~].

7 Sale of PSNH Fossil Generation Assets; Date. Amend 2000, 249, 7, II to read as follows:

II. The sale of PSNH fossil generation assets shall take place no [~~later~~] *sooner* than July 1, [~~2001~~] *2003*, unless the commission finds [~~due to circumstances beyond its control~~] that [~~further delay~~] *an earlier sale* is in the public interest.

8 Energy Efficiency Program. The public utilities commission shall phase-in, as quickly as can be effectively administered by Public Service Company of New Hampshire, an energy efficiency program for Public Service Company of New Hampshire that is funded at a rate of \$0.0018 per kilowatt-hour to be allocated from the system benefits charge. The public utilities commission shall not decrease the amount of the system benefits charge allocated to low-income customers due to passage of this act.

9 Liquidation of Generation Assets. As part of the public utilities commission's administration of the liquidation of Public Service Company of New Hampshire's generation assets, the commission shall:

I. Allow and consider bids for the generation assets that may include proposals for providing transition service at a ceiling price for any customer class. Should such a bid be accepted by the commission, the commission shall consider such transition service commitment as part of the competitive bid process under RSA 369-B:3, IV(b)(1)(A). If such transition service is used, then it shall be considered the "competitively bid price" for purposes of RSA 369-B:3, IV(b)(1)(B) and (C), as applicable.

II. Expeditiously initiate and complete, in a manner consistent with RSA 374:30, the sale of nuclear generation assets located in New Hampshire required by the settlement in a manner that benefits all New Hampshire customers with stranded cost recovery obligations associated with such assets.

10 Temporary Energy Surcharge. In order to avoid excessive deferrals that may accrue under the provisions of RSA 369-B:3, IV(b)(1)(B)(i), the public utilities commission may impose an energy surcharge on electricity purchased by residential, street lighting, and general delivery service rate G customers of Public Service Company of New Hampshire that take transition service between initial transition service end day and 24 months after initial transition service end day as defined in RSA 369-B:2, VII. Money collected from such a surcharge shall be applied to reducing any amounts that would otherwise be deferred under RSA 369-B:3, IV(b)(1)(B)(i) after taking into account the provisions of RSA 369-B:3, IV(b)(3)(D).

11 Effect on Finance Order. The provisions of this act shall amend the specific provisions of public utilities commission Order No. 23, 550, approving the issuance of rate reduction bonds, issued by the public utilities commission in Docket No. DE 99-099. All provisions of RSA 369-B, including the amendments made by this act, and all provisions of commission Order No. 23,550, as amended by this act, shall remain in full force and effect and are hereby ratified and confirmed in all respects. The provisions of this act shall not affect the validity, effectiveness, or finality of commission Order No. 23,550, or the validity of any rate reduction bonds issued thereto. The general court finds that commission Order No. 23,550, as amended by this act, satisfies all of the conditions and requirements of RSA 369-B, as amended, including without limitation, RSA 369-B:3, IV, and is deemed to be authorized and issued pursuant to RSA 369-B, as amended, and that the implementation of such order, as amended, is in the public interest.

12 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Entitles an electric utility to retain 20 percent of the savings from an approved renegotiation of a public utilities commission order.

II. Modifies the terms of transition service for customers of Public Service Company of New Hampshire.

III. Modifies the system benefits charge authority.

IV. Requires the public utilities commission to make certain determinations prior to approving the sale of Public Service Company of New Hampshire fossil generation assets.

V. Authorizes the public utilities commission to impose an energy surcharge on transition service customers of Public Service Company of New Hampshire.

Adopted.

Rep. Wendelboe offered a floor amendment (1004h).



**Floor Amendment (1004h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the system benefits charge.

Amend the bill by replacing all after the enacting clause with the following:

1 Authority to Issue Finance Orders; System Benefits Charge. Amend RSA 369-B:3, IV(b)(6) to read as follows:

(6) The total system benefits charge shall be [~~no greater than \$0.003~~] **fixed at \$0.002** per kilowatt-hour for 33 months from competition day divided between low-income assistance and energy efficiency/conservation programs. In the event that the commission finds that a significant amount of unencumbered dollars have accumulated in either program, and are not needed for program purposes, the commission shall refund such unencumbered dollars to ratepayers in a timely manner;

2 Electric Utility Restructuring; Implementation; System Benefits Charge. Amend RSA 374-F:4, VIII(b) to read as follows:

(b) [~~During the first and second year~~] After competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge referred to in RSA 374-F:3, VI due to energy efficiency programs, new renewable programs, and programs for low-income customers shall not exceed [3] **2 mills** per kilowatt hour for any utility.

3 Repeal. Section 14 of HB 489 of the 2001 session, relative to an energy efficiency program, is repealed.

4 Contingency. If HB 489 of the 2001 session becomes law, sections 1-3 of this act shall take effect upon its passage. If HB 489 of the 2001 session does not become law, sections 1-3 of this act shall not take effect.

5 Effective Date.

I. Sections 1-3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill repeals the energy efficiency program established by HB 489 of the 2001 session and reduces the system benefits charge that may be charged to certain customers.

Rep. Wendelboe spoke in favor.

Rep. Jeb Bradley spoke against and yielded to questions.

On a division vote, 91 members having voted in the affirmative and 258 in the negative, the floor amendment failed.

Rep. Jeb Bradley moved Recommit to committee.

Adopted.

Recommitted to Science, Technology and Energy.

**HB 443**, relative to a 20-year state comprehensive energy plan. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William W. Gabler for the Majority of Science, Technology and Energy: Recognizing that energy is essential for the health and safety and economic well being of all New Hampshire residents, this bill calls for a forward-looking analysis of our energy needs, and the preparation of a comprehensive state energy plan. This plan will evaluate the future demand for both natural gas and electricity while also assessing the adequacy of our transmission and distribution infrastructure, siting requirements, fuel diversity and energy efficiency programs. In so doing, the plan will lay the groundwork for efforts to ensure that New Hampshire does not experience energy supply and demand problems similar to those recently encountered in other states. In addition, this plan will provide the framework for New Hampshire to participate in regional and national energy planning forums that may impact our state. Given the essential nature of energy to our lives, the committee feels that the state needs to look ahead and take steps now to ensure that the energy infrastructure is safe, reliable and adequate in the future. Funding for the development of this plan will come from existing conservation funds. The bill authorizes the expenditure of up to \$100,000 of those funds, which amounts to approximately ½ of 1 percent of the state's conservation funds for 2002. While the committee acknowledges that this is not a minor amount of money, it feels strongly that the expenditure is inexpensive in comparison to the potential cost of supply and demand problems that a thorough energy study may help us avoid. Vote 12-3.



Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: This bill will cost New Hampshire electric ratepayers \$100,000 and although extremely well intentioned, will not accomplish the purpose as sought by its sponsors. The questions posed by the amended version of this legislation which are to be answered by a consultant fall outside the scope of any New Hampshire agency to adequately ascertain.

### Amendment (0576h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a state energy plan.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. The state of New Hampshire has recently moved to restructure its electric and natural gas industries. Electric utilities were formerly responsible for developing least cost energy plans and integrated resource plans. While it is expected that the restructuring of the electric and natural gas industries will provide market responses to energy supply and demand conditions, it is nonetheless important that the governor's office of energy and community services and the public utilities commission be involved in some aspects of energy planning.

2 Findings. The general court finds that a comprehensive and integrated energy plan will provide useful information about the supply of and demand for natural gas and electricity, the adequacy of transmission and distribution infrastructure, siting requirements, fuel diversity, and energy efficiency and conservation. The general court further finds that use of the system benefits charge to fund the plan within the limitations legislatively established for those charges is in the public interest.

### 3 State Energy Plan.

I. The governor's office of energy and community services, in consultation with the public utilities commission and other state agencies as needed, shall prepare a state energy plan covering a 10-year period. The governor's office of energy and community services shall solicit the input of independent parties, including the Whittemore School of Business and Economics at the University of New Hampshire. The plan shall be consistent with the legislative policies set forth in RSA 162-H, RSA 378:37, RSA 374-F, and RSA 369-A. The plan shall include:

(a) An analysis of the demand projections for energy consumption of electricity and natural gas in New Hampshire.

(b) An analysis of the adequacy of electricity generation in New Hampshire, and of transmission and distribution resources in New Hampshire for the natural gas and electric industries, and how regional generation, transmission, and distribution resources affect New Hampshire.

(c) An analysis of siting requirements for electric generation resources and natural gas and electric transmission and distribution resources.

(d) An analysis of fuel diversity for electricity generation.

(e) An analysis of the efficient use of energy resources and conservation initiatives.

(f) An analysis of how these New Hampshire-specific issues relate to regional initiatives to assure the adequacy of generation, transmission, and distribution assets.

(g) Recommendations, based on the analyses completed under subparagraphs (a)–(f), for state implementation actions to achieve the legislative policies set forth in RSA 162-H, RSA 378:37, RSA 374-F, and RSA 369-A, or for other energy policies that should be pursued.

II. In developing the plan, the governor's office of energy and community services shall seek public comment by holding at least 4 public hearings in different geographic locations around the state.

III. The governor's office of energy and community services is authorized to expend up to \$100,000 to complete the plan. Such funds shall be provided proportionally by jurisdictional electric distribution utilities out of funds collected from the energy efficiency portion of each utility's approved system benefits charge, or as otherwise directed by the public utilities commission.

IV. The governor's office of energy and community services shall complete the state energy plan by November 1, 2002. Prior to publication of the plan, the governor's office of energy and community services shall consult with the legislative oversight committee on electric utility restructuring established by RSA 374-F:5 and the gas utility restructuring oversight committee established by RSA 374:60. Upon completion, the plan shall be distributed to the speaker of the house of representatives, the senate president, the chairpersons of the house science, technology, and energy committee and the senate energy and economic development committee, the governor, and the state library.

4 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill requires the governor's office of energy and community services, in consultation with the public utilities commission and other state agencies, to prepare a state energy plan covering a 10-year period. This bill authorizes the governor's office of energy and community services to expend up to \$100,000 to be provided by jurisdictional electric distribution utilities, to complete the plan.

Adopted.

Rep. Gilmore spoke against and yielded to questions.

Rep. Gabler spoke in favor and yielded to questions.

On a division vote, 300 members having voted in the affirmative and 52 in the negative, the majority report was adopted.

Ordered to third reading.

**HB 740**, relative to decommissioning of nuclear electric generating facilities. **OUGHT TO PASS**

Rep. Jeb E. Bradley for Science, Technology and Energy: Passage of this bill will update the nuclear decommissioning statute so that it enables the sale of the Seabrook power plant to a non-regulated new owner as part of electric industry restructuring. Currently the Nuclear Decommissioning Finance Committee (NDFC) determines the expected life of the plant and the amount of money necessary for future decommissioning based upon minimum Nuclear Regulatory Commission (NRC) radiological standards and New Hampshire site specific restoration standards. That will not change under the proposed legislation. Today decommissioning charges appear as a surcharge on customer's bill. With the change in ownership, customers will no longer be responsible for decommissioning expenses and the surcharge will disappear. New owners of the plant, not electricity customers, will be responsible for making timely payments into the decommissioning fund as determined by the NDFC. The statute is being revised so that the NDFC will have ample authority to insure that a new owner provides financial assurance that decommissioning will occur safely and within a reasonable timeframe. The NDFC must approve a financial assurance plan for a new owner prior to the transfer in ownership occurring. As part of the sale of the plant, about \$50 million from the sale proceeds will be deposited into the decommissioning fund. This is being done pursuant to the legislation in order to ensure that at time of closing, there will be enough money in the fund to meet minimum radiological decommissioning standards established by the NRC. The law also changes the site restoration standard to one consistent with commercial and industrial uses as opposed to the existing state "greenfields" standard. The Town of Seabrook supports this change. As an adjunct to this legislation, the existing owners of the facility have agreed to upgrade (at their expense) the appearance of the never completed Seabrook II. As part of the consideration of this legislation the counsel to the NDFC, with the cooperation of the existing Seabrook owners and other interested parties, has prepared annotations to the bill that explain its intent. These April 12, 2001 annotations will be part of the legislative history of the bill. An issue involving decommissioning funding in the event of a premature shutdown may prompt a later amendment to the bill. The committee believes enactment of this legislation will enhance the sale of Seabrook. All proceeds from the sale of the plant will reduce stranded costs. Given the increasing price of electricity, the sale value of Seabrook is also expected to increase. The committee believes it is a good time to sell Seabrook both to reduce stranded costs and shift operational risks away from customers. Vote 14-0. Adopted and ordered to third reading.

**HB 758**, relative to the sale of gasoline containing ethers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: Methyl tertiary-butyl ether (MTBE) is an alcohol-based gasoline additive that was first introduced in the 1970's to replace lead as an octane booster. Since the early 1990's it has also been added in higher concentrations to reformulated gasoline (RFG) to meet the minimum oxygen requirement of the federal RFG program. Because of the potential for contamination of water resources by MTBE and other ethers, the desire to take action at the state level to ban or limit the use of MTBE is justifiable. Unfortunately, the federal Clean Air Act (CAA) places restrictions on states' ability to regulate fuel components without approval of the US Environmental Protection Agency (EPA). In addition, four New Hampshire counties that are in non-attainment for ozone are required to use RFG based upon a decision by NH to opt into the program in 1991 as part of our ozone reduction strategy required by law. At that time the decision was seen as a way of avoiding some of the more onerous requirements of centralized auto emissions testing. RFG has a minimum oxygenate requirement of 11% by volume of

gasoline. The most common oxygenate used to meet this mandate is MTBE. Ethanol is an alternative used in some areas, primarily in the Midwest where it is more readily available, however, ethanol cannot be readily blended with gasoline sold in the east because of transportation and distribution problems.

Several states have attempted to limit MTBE concentrations in gasoline. Minnesota substituted ethanol. Maine took the legal route of opting out of the RFG program with EPA approval. New York and California both banned MTBE and are now being sued in federal court for violating federal law. Connecticut is considering moving the date further out for their ban because their only option is to substitute ethanol. In light of these actions in other states, it appears the quickest and most successful route to the elimination of MTBE is by opting out of the federal RFG program. The bill as introduced would have limited MTBE and other ethers by October of this year to levels that are below those contained even in conventional gasoline and virtually eliminated all ethers by 2003. Conventional gasoline is currently the fuel that is being sold in the six New Hampshire counties that are not required to use RFG. Due to the fact that state regulations would then contradict federal regulations it is unlikely that fuel dealers would even consider supplying non-RFG gasoline in the four counties where it is federally required due to the imposition of significant daily fines for violating the federal rule. In other words the committee felt that either RFG would continue to be supplied despite the proposed legislation, or we would be faced with the situation where there would be supply disruptions and price spikes. We do not believe this was the intention of the sponsors, however, it would be an unintended consequence of the proposed legislation if enacted. The committee shares the sponsors' goals of removing MTBE in the shortest time-frame possible. The committee believes that the first step toward accomplishing this goal is to opt out of the RFG program with EPA approval. Failure to achieve federal approval would mean the need to substitute ethanol (contrary to the proposed legislation that limits ALL ethers) because the RFG program still contains a mandate for oxygenated gasoline. Requiring the use of ethanol would be a distribution nightmare on the East Coast both in terms of gasoline price increases and supply disruptions. Thus without EPA approval to opt out and without substituting ethanol, the state would end up in federal court as California and New York have.

The bill, as amended by the committee, requires the NH Department of Environmental Services (DES) to submit a request by January 1, 2002, to the EPA to opt out of the RFG program as soon as possible, but no later than January 1, 2004. The bill contains authorizations for DES to substitute air emission reductions for the loss of RFG air credits. Thus it is much more likely that New Hampshire will be able to successfully opt out of the RFG program without the threat of federally-imposed auto emissions testing or legal challenges. Once the opt-out has been approved the committee amendment strengthens the existing statutory authority the DES commissioner already has to limit or ban MTBE. The amendment requires the commissioner to limit or ban MTBE provided a readily available, reasonably priced alternative exists.

The committee believes the amendment is likely to provide the quickest, most successful route to the elimination of MTBE and other ethers. Some people disagree with this approach and want a more confrontational approach. Unfortunately states that have adopted more confrontational approaches may feel they have accomplished something, but in reality these states have neither banned nor limited MTBE with much success to date. Vote 13-1.

#### Amendment (0874h)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. In order to minimize the contamination of our water resources and to protect the public from potentially harmful health effects, New Hampshire must dramatically reduce or eliminate the amount of methyl tertiary-butyl ether (MTBE) and other ethers in gasoline supplied to New Hampshire. Since the oxygen mandate specified for federal reformulated gasoline (RFG) by the Clean Air Act has led to a dramatic increase in MTBE concentrations in gasoline, opting out of the federal RFG program and then limiting or banning MTBE and other ethers are the most effective ways to permanently reduce the concentrations of MTBE and other ethers in gasoline sold in New Hampshire. The state may be required by the Environmental Protection Agency to make up for emission reductions lost as a result of this action, and authorization is provided to do so.

2 Penalties. Amend RSA 485:16-b, I and II to read as follows:

1. *Except as provided for in RSA 485:16-d*, the commissioner shall seek all necessary [waivers] *authorizations* from the Environmental Protection Agency [such that conventional gasoline,



or some other substitute gasoline that is readily available and reasonably priced, may immediately replace reformulated gasoline in Strafford, Rockingham, Hillsborough, and Merrimack counties. The waivers shall expire on January 1, 2002. The temporary waivers shall not be predicated upon the state implementing substitute air emissions reduction strategies in order to comply with the state implementation plan] *to opt out of the federal reformulated gasoline program as soon as possible, but in no case later than January 1, 2004. The department of environmental services shall prepare and submit to the Environmental Protection Agency as soon as possible, but in no case later than January 1, 2002, all documentation necessary to accomplish this task.*

II. In addition to the ~~[authority to seek waivers under]~~ *provisions of* paragraph I, the commissioner, after consultation with the commissioner of health and human services, ~~[may]~~ *shall limit to the greatest extent practicable*, with the approval of the governor and council, the concentration of MTBE allowed in any gasoline sold in all or part of the state after first holding a public hearing on the issue and certifying to the air pollution advisory committee established in RSA 125-J:11 that gasolines which meet such limit are:

(a) Readily available to New Hampshire consumers at a reasonable price;

(b) Less hazardous overall to humans and the environment than gasoline having higher MTBE concentrations taking into account all exposure routes, including air and water; and

(c) Approved for use in New Hampshire by the Environmental Protection Agency without a requirement to substitute additional air emissions reductions beyond those adopted under RSA 485:16-c.

3 New Sections; Air Pollution Control Measures. Amend RSA 485 by inserting after section 16-b the following new sections:

485:16-c Adoption of Other Air Pollution Control Measures. In order to fulfill federal air pollutant emission reduction obligations that may be created by opting out of the federal reformulated gasoline program under RSA 485:16-b or by implementing an alternative regional or federal approach under RSA 485:16-d, the commissioner shall be authorized to establish limits on the manufacture, use, or sale of consumer products in accordance with RSA 125-C:6, XVII.

485:16-d Regional and Federal Efforts.

I. The commissioner is authorized to promote such regional or federal efforts as may be required to reduce the ongoing contamination threat posed by MTBE and other gasoline ethers, including but not limited to efforts to eliminate the federal oxygen mandate in the federal Clean Air Act, secure waivers from federal fuel requirements, or implement cleaner, more protective reformulation of gasoline.

II. If an alternative regional or federal approach to cleaner gasoline is developed which provides equal or greater effectiveness in reducing concentrations of MTBE and other gasoline ethers than opting out of the federal reformulated gasoline program under RSA 485:16-b, I, or does so in a manner that requires less costly substitute emission control measures under RSA 485:16-c, then the commissioner may implement such alternative regional or federal approach. Such alternative regional or federal approach may substitute for opting out of the federal reformulated gasoline program under RSA 485:16-b, I if undertaken prior to January 1, 2004.

4 New Paragraph; Definitions; Consumer Products. Amend RSA 125-C:2 by inserting after paragraph V-b the following new paragraph:

V-c. "Consumer products, any substance, product (including paints, coatings, and solvents), or article (including any container or packaging) held by any person, the use, consumption, storage, disposal, destruction, or decomposition of which may result in the release of air contaminants.

5 New Subparagraph; Rulemaking. Amend RSA 125-C:4, I by inserting after subparagraph (m) the following new subparagraph:

(n) The manufacture, use, or sale of consumer products for purposes of implementing RSA 485:16-c.

6 New Paragraph; Duties of Commissioner. Amend RSA 125-C:6 by inserting after paragraph XVI the following new paragraph:

XVII. Implementing a program to control the emissions of air contaminants from consumer products for purposes of RSA 485:16-c, by establishing limits on the manufacture, use, or sale of such products, provided that such limits are not less stringent than those established under the Clean Air Act and amendments thereto, and in regulations promulgated under the Clean Air Act.

7 Effective Date. This act shall take effect upon its passage.



## AMENDED ANALYSIS

This act authorizes the state to opt out of the federal reformulated gasoline program no later than January 1, 2004, and requires the department of environmental services to prepare and submit to the U.S. Environmental Protection Agency all documentation necessary to accomplish this task. Rep. Jeb Bradley yielded to questions.

Adopted.

Rep. Dickinson offered a floor amendment (0969h).

**Floor Amendment (0969h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the sale of gasoline containing ethers and requiring an investigation by the attorney general.

Amend the bill by replacing all after section 1 with the following:

2 New Subdivision; Ethers Content in Gasoline. Amend RSA 339-B by inserting after section 16 the following new subdivision:

**Ethers Content in Gasoline****339-B:17 Definitions.**

I. "Ethers" means organic compounds formed by the treatment of an alcohol with a dehydrating agent resulting in 2 organic radicals joined by an oxygen atom. Gasoline ethers include, but are not limited to, methyl tertiary-butyl ether (MTBE), tertiary-amyl methyl ether (TAME), ethyl tertiary-butyl ether (ETBE), and di-isopropyl ether (DIPE). Gasoline ethers shall include other ethers contained in, or added to, gasoline.

II. "Reid Vapor Pressure" (RVP) means the standardized measure of the vapor pressure of a liquid fuel in pounds per square inch absolute at 100 degrees fahrenheit.

**339-B:18 Ethers Content in Gasoline.**

I. As of January 1, 2002, the total ethers content, by volume, in all regular grade gasoline sold in this state shall not exceed one percent, in all mid-grade gasoline sold in this state shall not exceed 3 percent, and in all premium grade gasoline sold in this state shall not exceed 5 percent.

II. As of January 1, 2002, all gasoline that is distributed or marketed by bulk gasoline terminals or is delivered to gasoline service stations or bulk gasoline plants shall not have a Reid Vapor Pressure greater than 7.8 pounds per square inch during the period between May 1 and September 15 of each year.

3 Investigation by Attorney General Required. In light of the decision in American Petroleum Institute v. United States Environmental Protection Agency, 198 F.3d 275 (2000), the attorney general shall investigate and pursue any and all legal remedy concerning the state's agreement with the Environmental Protection Agency to use reformulated gasoline. The attorney general shall report its findings and any recommendations to the speaker of the house of representatives, the house clerk, the senate president, the senate clerk, the governor, and the state library on or before January 1, 2002.

4 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

5 Effective Date. This act shall take upon its passage.

## AMENDED ANALYSIS

This bill requires that regular grade gasoline sold in this state shall not exceed one percent total ethers by volume as of January 1, 2002, that mid-grade gasoline sold in this state shall not exceed 3 percent total ethers by volume as of January 1, 2002, that premium gasoline sold in this state shall not exceed 5 percent total ethers by volume as of January 1, 2002, and that all gasoline sold in this state shall not have a Reid Vapor Pressure greater than 7.8 pounds per square inch as of January 1, 2002. This bill also requires the attorney general to investigate the agreement with the Environmental Protection Agency and report the findings to the legislature.

Reps. Dickinson, Arnold, Kennedy and Martin spoke in favor and yielded to questions.

Reps. Norelli and Jeb Bradley spoke against and yielded to questions.

Rep. Sloan spoke against.

Rep. Jeb Bradley requested a roll call; sufficiently seconded.  
The question being adoption of the floor amendment (0969h).

## YEAS 121 NAYS 244

### YEAS 121

#### BELKNAP

Boyce, Laurie	Nedeau, Stephen	Pilliod, James	Wendelboe, Fran
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#### CARROLL

Dickinson, Howard	Kenney, Joseph	Philbrick, Donald
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#### CHESHIRE

Edwards, Dana	Emerson, Susan	McGuirk, Paul	Pratt, John
Roberts, William	Weed, Charles	Zerba, Roger	

#### COOS

Horton, Lynn	Rozek, Michael	Woodward, David
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#### GRAFTON

Akins, Ralph	Cobb, John	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Mirski, Paul	Sova, Charles	Williams, Burton	

#### HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Bergeron, Jean-Guy	Calawa, Leon Jr	Christensen, D L Chris	Cote, Peter
Dionne, Kimberley	Elliott, Larry	Gargas, Carolyn	Gonzalez, Carlos
Gorman, Mary	Graham, John	Greenberg, Gary	Haley, Robert
Hall, Betty	Hopper, Gary	Jean, Loren	Keye, Harvey
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Messier, Irene
Milligan, Robert	Panagopoulos, Nicholas	Pepino, Leo	Rowe, Robert
Salts, Greg	Souza, Kathleen	Sweeney, Cynthia	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Williams, Carol	

#### MERRIMACK

Fraser, Marilyn	French, Barbara	Hager, Elizabeth	Jacobson, Alf
Kennedy, Richard	L'Heureux, Stephen	Leber, William	Poulin, David
Rodd, Beth	Soltani, Tony	Swindlehurst, John	Whittemore, James
Winter, Steven			

#### ROCKINGHAM

Belanger, Ronald	Camm, Kevin	Chalbeck, Kevin	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Giordano, Ronald	Holland, James Jr
Hutchinson, Karen	Itse, Daniel	Johnson, Rogers	Kelley, Jane
Kelley, William	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie
Moore, Benjamin	Morse, Charles	Palermo, Diane	Power, Lucille
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Saia, Pamela
Sapareto, Frank	Varrell, Thomas	Welch, David	Woekel, Ralph

#### STRAFFORD

Albert, Russell	Bickford, David	Gilmore, Gary	Johnson, Nancy
McCarthy, Gerald	Pelletier, Arthur	Rollo, Michael	Spang, Judith
Twombly, James	Woods, Phyllis		

#### SULLIVAN

Odell, Bob	Phinzy, James	Robb, Amy
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**NAYS 244****BELKNAP**

Bartlett, Gordon  
Johnson, William  
Rosen, Ralph  
Wood, Jane

Czech, Stanley  
Lawton, David  
Russell, David

Flanders, Donald  
Millham, Alida  
Salatiello, Thomas

Holbrook, Robert  
Rice, Thomas Jr  
Thomas, John

**CARROLL**

Babson, David Jr  
Patten, Betsey  
Torresen, Gary

Bradley, Jeb  
Quimby, Lee

Lyman, L Randy  
Stevens, Stanley

Mock, Henry  
Sullivan, P Judith

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
Manning, Joseph  
Royce, H Charles

Avery, Stephen  
Espiefs, Peter  
Meader, David  
Russell, Ronald

Batchelder, Robert  
Fairbanks, Chandler  
Mitchell, McKim  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
Richardson, Barbara

**COOS**

Bradley, Paula  
Landers, Dana  
Stohl, Eric

Davis, Perley  
Mears, Edgar  
Tholl, John Jr

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Rodrigue, Robert

**GRAFTON**

Alger, John  
Ham, Bonnie  
Pawlek, Marion  
Ward, Brien

Almy, Susan  
Marshall, Gene  
Scanlan, David

Benn, Bernard  
Naro, Debra  
Scovner, Nancy

Gabler, William  
Nordgren, Sharon  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David  
Bergin, Peter  
Brundige, Robert  
Chabot, Robert  
Clemons, Jane  
Daigle, Robert  
Drisko, Richard  
Eaton, Richard  
Foster, Linda  
Goley, Jeffrey  
Holden, Randolph  
Kony, Christine  
Leishman, Peter  
Melcher, Harold  
Palangas, Eric  
Sargent, Maxwell  
Spiess, Paul  
White, John

Andosca, Mary  
Bouchard, David  
Bruno, Pierre  
Christiansen, Lars  
Cote, David  
Desrosiers, William  
Duval, Jeffrey  
Emerton, Lawrence Sr  
Furman, Christine  
Guinta, Frank  
Jean, Claudette  
LaFlamme, Paul  
Lessard, Rudy  
Mercer, Robert  
Pappas, Marc  
Schulze, Joan  
Tahir, Saghir

Balcom, John  
Bouldin, Michael  
Buckley, Raymond  
Clayton, William  
Coughlin, Pamela  
Dokmo, Cynthia  
Dwyer, Paul  
Fields, Dennis  
Ginsburg, Ruth  
Hall, Charles  
Johnson, Lionel  
LaRose, Richard  
Lynde, Harold  
Moran, Edward  
Peterson, Andrew  
Seibel, Christopher  
Tate, Joan

Baroody, Benjamin  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Craig, James  
Drabinowicz, A Theresa  
Dyer, Merton  
Fletcher, Richard  
Golding, William  
Herman, Keith  
Kacavas, John  
Leach, Edward  
Martel, Andre  
O'Connell, Timothy  
Reeves, Sandra  
Shaw, Barbara  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Dunne, Christopher  
Greco, Vincent  
Lockwood, Priscilla  
Owen, Derek  
Seldin, Gloria

Bouchard, Candace  
Cummings, Raymond  
Feuerstein, Martin  
Hess, David  
MacKay, James  
Potter, Frances  
Wallner, Mary Jane

Brewster, Richard  
Daneault, Gabriel  
Fraser, Leo Jr  
Hutchinson, John  
Maxfield, Roy  
Reardon, Tara  
Whalley, Michael

Clarke, Claire  
Davis, Frank  
Gile, Mary  
Langer, Ray  
Moore, Carol  
Rush, Deanna  
Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond
Bridle, Russell	Case, Margaret	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Cooney, Richard	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II
Rausch, James	Reardon, Neil	Robertson, Carl	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Weatherspoon, Jacquelyne	Weyler, Kenneth	Whittier, John
Zolla, William			

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Goodwin, Earle	Grassie, Anne	Harrington, Michael	Heon, Richard
Hughes, Christopher	Kaen, Naida	Knowles, William	Lent, Donald
Proulx, Raymond	Reid, Christopher	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Tsiros, William	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Rodeschin, Beverly		

and the floor amendment failed.

Report adopted and ordered to third reading.

**HCR 12**, requesting that the federal government lift federal preemption of regulation of gas pipelines and pipelines carrying other hazardous substances. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Jonathan E. Hill for State-Federal Relations and Veterans Affairs: The number of miles of natural gas pipeline in New Hampshire has increased significantly in recent years and it is anticipated that it will increase even more in the future. At the present time, the state Public Utilities Commission has a role in some aspects of interstate pipeline safety, but not all aspects. HCR 12 asks the federal government to allow the state greater involvement in pipeline safety and to clarify jurisdictional issues. The Public Utilities Commission testified that there are several pipelines crossing our state that New Hampshire has no safety information on. The Public Utilities Commission further testified that it would be advantageous for New Hampshire to have a more hands-on involvement in interstate pipeline safety. Vote 11-2.

**Amendment (0612h)**

Amend the resolution by replacing the title with the following:

**A RESOLUTION** requesting that the federal government authorize greater state regulation of gas pipelines and pipelines carrying other hazardous substances.

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the federal government is responsible for the oversight of interstate pipelines; and

**AMENDED ANALYSIS**

This house concurrent resolution requests that the federal government clarify that the regulation of pipelines carrying gas and other hazardous substances be integrated with concurrent state and federal oversight.

Adopted.

Report adopted and ordered to third reading.



**HB 590**, relative to access to motor vehicle records by insurance companies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill as amended establishes the terms and conditions under which life insurance companies may access motor vehicle records. The bill as introduced would have allowed life insurance companies unfettered access to the motor vehicle records. This would have subverted our privacy law as passed by this House. This amended bill allows our citizens consent and knowledge of motor vehicle record access for life insurance underwriting purposes. This amendment also allows for trucking companies to access motor vehicle records for Commercial Drivers Licenses as required by federal law. Vote 14-3.

**Amendment (0800h)**

Amend the title of the bill by replacing it with the following:

AN ACT permitting life insurance companies access to certain motor vehicle records.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Administration of Motor Vehicle Laws; Access to Records by Life Insurance Companies. Amend RSA 260:14, V(a) by inserting after subparagraph (9) the following new subparagraph:

(10) For use by life insurance companies authorized to write life insurance policies in this state, or their authorized agents, on a case-by-case basis, and upon representation by the company or authorized agent, on a form satisfactory to the department, that the named person's written consent to the release of the record has been obtained and that the record will be used solely in connection with claims investigation, rating, and underwriting.

2 Administration of Motor Vehicle Laws; Written or Express Consent. Amend RSA 260:14, V(c)(1) to read as follows:

(1) No person shall be required to provide his or her *written or* express consent to the release of personal information as a condition of doing business with any other person *or legitimate business*.

3 Administration of Motor Vehicle Laws; Clarification of Restriction on Re-release of Motor Vehicle Information. Amend RSA 260:14, VI(a) to read as follows:

(a) Except as provided in subparagraph (b), an authorized recipient of personal information for a particular use under the provisions of subparagraph V(a) may not [~~use the information;~~] sell, rent, transfer, or make the information available to another person for the same or for any other use.

4 Administration of Motor Vehicle Laws; Re-release of Motor Vehicle Information by Certain Motor Vehicle Businesses and Life Insurance Companies. Amend RSA 260:14, VI(b) to read as follows:

(b) An authorized recipient of personal information for a particular use under subparagraphs V(a)(1), (4), (8), [~~and~~] (9), *and* (10) may sell, rent, transfer or make the information available to another person for the same use only, subject to the limitations in the particular subparagraph.

5 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes the terms and conditions under which life insurance companies may access motor vehicle records. It also provides that written or express consent to the release of motor vehicle records shall not be required as a condition of doing business with another person or business. The bill further clarifies that an entity permitted to obtain motor vehicle records for a particular purpose may use the information but is restricted in the re-release of such information. Finally, the bill allows various motor vehicle businesses and life insurance companies to re-release motor vehicle information under certain circumstances.

Adopted.

Rep. Rosen spoke against.

Rep. Packard spoke in favor.

On a division vote, 293 members having voted in the affirmative and 56 in the negative, the report was adopted.

Ordered to third reading.

**HB 218-FN**, relative to the motor vehicle road toll law and motor vehicle registration fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Langone for Ways and Means: The committee feels that this bill, as amended, accomplishes the intent of the Dept. of Safety and the Transportation Committee. This bill allows the Commissioner of Safety to hire inspectors and increases the fees of trucks and motor vehicle registrations, which haven't been raised since 1989. It also removes the "Dedicated Funds" section of the bill. The fiscal impact for 2002 is a \$4,500,000 net gain to the highway fund; \$900,000 for much needed truck emissions, dealer and inspection station enforcement and \$600,000 to local governments for local road assistance. Without passage of this bill and increased levels of enforcement for which it provides, the state of New Hampshire could lose \$14-15,000,000 of Federal Aid Highway Funds each year. Vote 15-2.

#### Amendment (0468h)

Amend the bill by replacing sections 6-7 with the following:

6 Motor Vehicles; Certificates of Title and Registration of Vehicles; Registration Fees; Fees to be Collected; Prorated Fees for Motor Vehicles. Amend RSA 261:141, III(g) to read as follows:

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs. [~~\$19.20 (\$1.60)~~] **\$25.20 (\$2.10)** per month)

3001-5000 lbs. [~~\$31.20 (\$2.60)~~] **\$37.20 (\$3.10)** per month)

5001-8000 lbs. [~~\$43.20 (\$3.60)~~] **\$49.20 (\$4.10)** per month)

8001-73,280 lbs. \$.84 per hundred lbs. gross weight.

7 Appropriation; Motor Vehicle Inspectors. The sums of \$900,000 for the fiscal year ending June 30, 2002 and \$630,526 for the fiscal year ending June 30, 2003, are hereby appropriated to the department of safety for the purpose of hiring 10 motor vehicle inspectors for the enforcement duties established in RSA 266:1-a. Said appropriations shall be a charge against the highway fund.

Amend the bill by deleting section 8 and renumbering the original sections 9-10 to read as 8-9, respectively.

#### AMENDED ANALYSIS

I. Deletes the maximum amount for road toll bonds required of licensed distributors of motor fuel.

II. Permits the commissioner of safety to waive interest assessed for road toll violations.

III. Requires the commissioner of safety to establish the interest rate assessed on road toll violations.

IV. Requires special fuel users to retain records necessary for purposes of administering the road toll laws.

V. Repeals road toll provisions relating to heating oil suppliers.

VI. Increases registration fees for motor vehicles.

VII. Makes an appropriation to pay for the hiring of motor vehicle inspectors.

This bill is a request of the department of safety.

Adopted.

Report adopted and ordered to third reading.

**HB-604-FN**, relative to increasing certain fees and making other changes to fish and game licenses.

#### ought to PASS

Rep. Jeff Gilbert for Ways and Means: The Committee voted on a bipartisan basis 12-6 to approve the proposed license fee increases of approximately 40% over a two year period. These fees represent nearly all of the sources of funding for the Department of Fish and Game. The fees have not been raised since 1989 and the new fee structure is essential to maintaining the Department's present level of services. The Committee noted the strong support given to the bill by the Fish and Game Committee and Executive Director Vetter's testimony that the new fee structure will be very competitive with our neighboring Northeastern states, and in numerous meetings around the state and the public hearing before the Fish and Game Committee; no objections were voiced by our citizens or sportsmen or conservation groups. Vote 12-6.

Rep. Dickinson offered a floor amendment (0989h).

#### Floor Amendment (0989h)

Amend the bill by replacing sections 30 and 31 with the following:

30 Repeal. The following are repealed:

I. RSA 214:9, VIII(a), relative to the nonresident 15-day fishing license.

II. RSA 214:9, VIII-b, relative to the one-day family fishing license.

31 Effective Date.

I. Sections 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28 of this act shall take effect March 1, 2003.

II. The remainder of this act shall take effect March 1, 2002.

Reps. Dickinson and McRae spoke in favor.

Rep. Alukonis spoke against and yielded to questions.

Rep. Mock spoke against.

On a division vote, 67 members having voted in the affirmative and 29 in the negative, the floor amendment failed.

Report adopted and ordered to third reading.

**HB 742-FN-L**, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Frank V. Sapareto for the Majority of Ways and Means: The majority of the committee felt that this bill accomplishes two extremely important efforts. First, by treating a state tax like a state tax it eliminates the ability to determine a donor or receiver town. Public perception of the state property tax is poor at best due to the concept of donor/receiver. Second, this bill provides substantial and much needed relief to property tax payers who can't afford property taxes and ensures that no one will be forced from their homes. This is the most refined circuit breaker/safety net proposal as it has been introduced and crafted over four legislative terms. Unlike other circuit breakers, this program is self-funding and actually generates state revenues. It is estimated that it will generate approximately ten times the amount of property tax relief, under the current hardship provision, which it completely replaces. Critics complain that the interest generated by this tax belongs to the towns. But, the majority feels that this money belongs to the taxpayers and not to the towns. People pay taxes, not towns. The appropriations for this bill, as stated in the bill, are derived from the Education Trust Fund. Vote 9-7.

Rep. Susan W. Almy for the Minority of Ways and Means: This bill is the sketch of a plan to move the collection of the statewide property tax (at \$6.60) to the Department of Revenue Administration, in order to take the "float" (recompense for administration of the tax) from the municipalities and use it for an education property tax circuit breaker. It would require at least five million dollars for start up and two million a year for routine administration, but no appropriation has been provided. Numerous details necessary for this to work have been omitted. This is an extremely expensive way to fund the circuit breaker, which is similar to that in most other plans, but which would apparently be left with about the same amount of money that now funds only state-wide property tax relief in donor towns.

#### Amendment (0548h)

Amend the bill by replacing all after the enacting clause with the following:

1 Education Property Tax to be Collected by Department of Revenue Administration. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax.

**I.** An annual education property tax at the uniform rate of \$6.60 on each \$1000 of the value of taxable property, *to be assessed annually as of April 1 and every year thereafter*, is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

**II.** *The commissioner of revenue administration shall determine the amount owed by each taxpayer under this section and bill each taxpayer for ½ the amount payable by July 1 and ½ the amount payable by December 1 of each year.*

**III.** *Taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J; except that, notwithstanding the provisions of RSA 21-J:33, 1, if the failure to pay is due to willful neglect or intentional disregard of law or rules but without intent to defraud, the penalty for taxes which are delinquent 60 days or more shall be equal to 20 percent of the amount of the nonpayment or underpayment.*

**IV.** *The commissioner shall collect and shall pay over to the state treasurer the taxes, interest, additions to tax, and penalties imposed under this chapter. The state treasurer shall deposit all taxes, interest, additions to tax, and penalties collected in the education trust fund established by RSA 198:39.*



*V. A municipality may collect delinquent taxes, interest on or additions to delinquent taxes, or penalties imposed by this section. If a municipality recovers such amount, the municipality may retain 10 percent of the amount owed to the state. If a municipality does not pursue the collection of delinquent taxes, the commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax, or the penalties imposed by this section.*

*VI. In the collection of the tax imposed by this section, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated. The state shall indemnify and hold harmless the commissioner and any state officials and employees acting to recover any tax, interest on tax, additions to tax, or penalties under this section.*

*VII. Appeals regarding valuation of property shall be made to the board of tax and land appeals or the superior court of the county in which the taxpayer resides in the manner prescribed in RSA 76:16-a and RSA 76:17. Appeals other than appeals of valuation shall be made according to the procedure and subject to the time limits provided for other taxes administered by the department under RSA 21-J.*

*VIII. Prior to January 1 of each year, each municipality shall transmit to the department information required by the department for the billing of taxpayers under paragraph II of this section.*

2 Determination of Adequate Education Grants. Amend RSA 198:41, I to read as follows:

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for the municipality as follows:

(a) Multiply the average base cost per pupil of an elementary pupil by the weighted average daily membership in residence for the municipality;

(b) Add to the product of subparagraph (a), 70 percent of the municipality's apportioned transportation cost[;

(c) ~~Subtract from the sum of subparagraph (b) the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.]~~

3 Reference Change. Amend RSA 198:41, II(b) to read as follows:

(b) The total amount paid for items of current education expense as determined by the department of education ~~[minus the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year].~~

4 New Subdivision; Education Property Tax Relief. Amend RSA 198 by inserting after section 55 the following new subdivision:

#### Education Property Tax Relief

198:56 Definitions. In this subdivision:

I.(a) "Claimant" means a person who:

(1) Has filed a claim with the department for reduction in such claimant's property taxes under this subdivision; and

(2) During the 3 fiscal years preceding the year in which the person files a claim for relief under this chapter:

(A) Has had an ownership interest in a homestead and was domiciled in the homestead upon which education property taxes have accrued and for which the person is making a claim for tax relief from education property taxes in this state; and

(B) Was not a full-time student claimed as a dependent by any taxpayer under the United States Internal Revenue Code; and

(3) Did not during the prior federal income tax year, pay the alternative minimum tax.

(b) In this paragraph, the term "ownership interest" includes:

(1) A vendee in possession under a land contract;



(2) One or more joint tenants or tenants in common; or

(3) A person who has equitable title, or the beneficial interest for life in the homestead.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Education property taxes" means the sum of the statewide education property tax under RSA 76:3 and the education portion of property taxes assessed by a municipality.

V. "Equalized assessed value" or "equalized assessed valuation" means the modified assessed valuation of property equalized by the commissioner pursuant to RSA 21-J:3, XIII. In this paragraph, "modified assessed valuation" means the sum of the assessments of taxable property in a municipality less the statutory exemptions provided in RSA 72:12-a, 72:12-b, 72:37, 72:39-a, and 72:39-b. "Modified assessed valuation" shall not include optional exemptions provided in RSA 72:37-b, 72:62, 72:66, and 72:70.

VI.(a) "Excessive education property taxes" means the sum of the state education rate determined under RSA 76:3 multiplied by the equalized value of the claimant's qualifying homestead and the amount of the local education portion of property taxes assessed on a claimant's homestead; which is in excess of 10 percent of a claimant's household income for the calendar year preceding the tax year of the excessive education property tax claim.

(b) In this paragraph, "equalized assessed value of the qualifying homestead" means the local assessed value of the homestead equalized by applying the equalization ratio for the municipality, as determined by the commissioner pursuant to RSA 21-J:3, XIII, for the year of the claim.

(c) A qualifying homestead is the first \$100,000 of equalized value of a homestead. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's household, "excessive education property taxes" applies to that part of statewide education property taxes levied on the homestead which reflects the ownership percentage of the claimant and the claimant's household. If a homestead is an integral part of a larger unit such as a multi-dwelling building, the statewide education property taxes shall be that percentage of the total education property taxes accrued as the total inhabitable area of the claimant's dwelling is of the total inhabitable area of the building. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part.

VII.(a) "Homestead" means the dwelling owned by a claimant which is used as the claimant's principal place of residence for not less than 240 days in a calendar year and includes the following:

(1) The land upon which the dwelling stands;

(2) Visual and ordinary appurtenant structures such as but not limited to garages, wood sheds, barns, and other outbuildings;

(3) The land upon which such appurtenant structures stand;

(4) Land contiguous to such dwelling and appurtenant structures that is groomed and maintained around them; and

(5) Land necessary to the support and service of the dwelling such as but not limited to driveways and maintained rights-of-way for purposes of ingress and egress to the dwelling.

(b) A homestead may consist of a part of a multi-unit dwelling and its proportionate share of the land upon which it stands and other ordinary appurtenant common facilities.

(c) In this paragraph the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common.

(d) "Homestead" shall not include personal property such as furniture, furnishings or appliances, or structures.

(e) Manufactured housing shall be considered a dwelling.

VIII. "Household income" means any and all income received by a household, including disability income, social security income, and other sources of income which are nontaxable under the United States Internal Revenue Code. "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

IX. "Education property tax" means the tax levied under RSA 76:3.

X. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended.

198:57 Claims for Education Property Tax Relief.

I.(a) Except as provided in RSA 198:66, a claimant shall be entitled to make claim to the department for education property tax relief equal to the excessive education property taxes levied under RSA 76:3 on the first \$100,000 of equalized valuation of the claimants homestead.

(b) Claims for tax relief under this subdivision shall be filed with the department of revenue administration between May 1 and June 30 following the due date of the education property taxes.

(c) Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the corresponding tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the immediately prior tax period, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

(d) The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

II. No interest shall be allowed on any relief to which a claimant may be entitled under this subdivision.

198:58 Payment of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

198:59 One Claimant Per Household. Only one claimant per household per year shall be entitled to relief under this subdivision.

198:60 Claim is Personal. The right to file a claim under this subdivision shall be personal to the claimant. The right to file a claim under this subdivision shall survive the claimant's death to the extent that this right may be exercised on behalf of a claimant by a legal guardian, attorney, spouse, or another person who could have qualified as the claimant had the decedent not filed.

198:61 Administration; Rulemaking.

I. This subdivision shall be administered and enforced by the department.

II. The department shall adopt rules, pursuant to RSA 541-A, necessary to administer and enforce this subdivision.

198:62 Forms for Claim. The commissioner of revenue administration shall make available suitable forms with instructions for claimants. Such forms may require claimants to provide all information reasonably necessary to determining the accuracy of claims, including, but not limited to, property taxes accrued, changes of homestead, household membership, household income, size and nature of property claimed as the homestead, and a statement that the property taxes have been or will be paid by the claimant.

198:63 Fraudulent Claims; Penalty. A person shall be guilty of a class B felony who:

I. Files a fraudulent claim.

II. With fraudulent intent, assisted in the preparation or filing of the fraudulent claim or supplied information upon which the fraudulent claim was prepared.

198:64 Appeals. Any person aggrieved by the denial in whole or in part of a claim under this subdivision, except when the denial is based upon late filing of claim, may appeal the denial to the board of tax and land appeals or to the superior court in the county in which the person resides by filing a petition within 30 days after such denial. Procedures for an appeal of a denial of a claim shall be the same as the procedures for an appeal of a denial of an abatement of property tax under RSA 76:16-a-76:17.

198:65 Claim Applied Against Outstanding Liabilities. The amount of any claim otherwise payable under this subdivision may be applied by the department against any liability outstanding against the claimant or against anyone who was a member of the household in the taxable year to which the claim relates.

198:66 Appeals for Local Abatements. A person who applies for local abatement of property taxes under RSA 76:16 or RSA 76:16-a shall not be eligible to make a claim based on the same property taxes for education property tax relief under this subdivision.

5 Education Trust Fund; Purpose; Hardship Relief Deleted. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, and to provide education property tax [hardship] relief [~~under RSA 198:55~~]. The state treasurer shall deposit into this fund immediately upon receipt:

6 Reference Change; Source of Funds; Education Trust Fund. RSA 198:39, I(g) is repealed and reenacted to read as follows:

(g) Education property taxes paid over to the state treasurer by the department of revenue administration pursuant to RSA 76:3.

7 Effective Date of Hardship Relief Repeals Amended. Amend 1999, 338:25, II to read as follows:

II. Section 22 of this act shall take effect July 1, [2003] **2002**.

8 Repeal of Prospective Repeals of Education Property Tax and Adequate Education Grant Determination Provisions. The following are repealed:

I. 1999, 338:21, relative to the repeal of RSA 76:3, RSA 198:40, and RSA 198:41.

II. 1999, 338:25, I, relative to the effective date of 1999, 338:21.

9 Repeal. The following are repealed:

I. RSA 76:8, I and II, relative to the commissioner's warrant.

II. RSA 76:9, relative to the commissioner's report.

III. RSA 198:46, relative to excess education property tax payment.

IV. RSA 198:47, relative to forms for reporting and remitting of excess education property tax.

10 Effective Date.

I. Sections 7-9 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect January 1, 2002.

#### AMENDED ANALYSIS

This bill transfers the authority to collect the education property tax from the municipalities to the department of revenue administration. The bill establishes a program for the rebate of excessive education property tax payments made by eligible taxpayers in the state.

Rep. Alukonis moved to Special Order the bill to the end of today's calendar.

Rep. Sapareto spoke in favor.

On a division vote. 154 members having voted in the affirmative and 209 in the negative, the motion to special order failed.

The question being adoption of the majority amendment.

Rep. Sapareto requested a roll call; sufficiently seconded.

#### YEAS 150 NAYS 215

##### YEAS 150

##### BELKNAP

Bartlett, Gordon  
Rice, Thomas Jr

Flanders, Donald  
Rosen, Ralph

Holbrook, Robert  
Thomas, John

Lawton, David  
Wendelboe, Fran

##### CARROLL

Babson, David Jr  
Mock, Henry

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Sullivan, P Judith

Kenney, Joseph  
Torressen, Gary

##### CHESHIRE

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

Hunt, John

##### COOS

Gallus, John

Guay, Lawrence

Rodrigue, Robert

Tholl, John Jr

##### GRAFTON

Alger, John  
Gilman, G Michael  
Scanlan, David

Cobb, John  
Giuda, Robert  
Sova, Charles

Dudley, Terri  
Marshall, Gene  
Teschner, Douglass

Eaton, Stephanie  
Mirski, Paul  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
 Balboni, Michael  
 Bragdon, Peter  
 Carlson, Donald  
 Desrosiers, William  
 Emerton, Lawrence Sr  
 Gleneck, David  
 Greenberg, Gary  
 Lessard, Rudy  
 Milligan, Robert  
 Salts, Greg  
 Tahir, Saghir

Alukonis, David  
 Balcom, John  
 Brundige, Robert  
 Chabot, Robert  
 Dionne, Kimberley  
 Fletcher, Richard  
 Golding, William  
 Herman, Keith  
 Martel, Andre  
 Moran, Edward  
 Sargent, Maxwell  
 Tate, Joan

Arnold, Thomas Jr  
 Bergeron, Jean-Guy  
 Bruno, Pierre  
 Christiansen, Lars  
 Eaton, Richard  
 Flora, Kathleen  
 Gonzalez, Carlos  
 Hopper, Gary  
 McRae, Karen  
 Pappas, Marc  
 Seibel, Christopher  
 Thompson, Rob

Artz, Lawrence  
 Bouchard, David  
 Calawa, Leon Jr  
 Clegg, Robert Jr  
 Elliott, Larry  
 Furman, Christine  
 Graham, John  
 Kurk, Neal  
 Mercer, Robert  
 Reeves, Sandra  
 Souza, Kathleen  
 Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
 Hutchinson, John  
 MacKay, James

Brewster, Richard  
 Kennedy, Richard  
 Soltani, Tony

Fraser, Leo Jr  
 L'Heureux, Stephen  
 Whalley, Michael

Hess, David  
 Leber, William  
 Winter, Steven

**ROCKINGHAM**

Arndt, Janet  
 Chalbeck, Kevin  
 Dowling, Patricia  
 Giordano, Ronald  
 Hill, Jonathan  
 Katsakiores, George  
 McKinney, Betsy  
 Packard, Sherman  
 Quandt, Matthew  
 Sapareto, Frank  
 Weyler, Kenneth

Belanger, Ronald  
 Clark, Vivian  
 Fesh, Bob  
 Gleason, John  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Moore, Benjamin  
 Palermo, Diane  
 Rausch, James  
 Stritch, C Donald  
 Whittier, John

Bridle, Russell  
 Corbin, Corey  
 Flanders, John Sr  
 Griffin, Mary  
 Itse, Daniel  
 Letourneau, Robert  
 Morse, Charles  
 Power, Lucille  
 Reardon, Neil  
 Varrell, Thomas

Camm, Kevin  
 Dalrymple, Janeen  
 Gilbert, Karl  
 Henderson, Warren  
 Johnson, Rogers  
 Major, Norman  
 Nowe, Ronald  
 Quandt, Marshall  
 Ruffner, Walter  
 Welch, David

**STRAFFORD**

Albert, Russell  
 Musler, George

Bickford, David  
 Twombly, James

Cossette, Larry  
 Woods, Phyllis

Harrington, Michael

**SULLIVAN**

Odell, Bob

Rodeschin, Beverly

**NAYS 215****BELKNAP**

Boyce, Laurie  
 Nedeau, Stephen  
 Wood, Jane

Czech, Stanley  
 Pilliod, James

Johnson, William  
 Russell, David

Millham, Alida  
 Salatiello, Thomas

**CARROLL**

Lyman, L Randy

Philbrick, Donald

Quimby, Lee

Stevens, Stanley

**CHESHIRE**

Allen, Peter  
 Dexter, Judson  
 Meader, David  
 Russell, Ronald

Avery, Stephen  
 Espiefs, Peter  
 Mitchell, McKim  
 Weed, Charles

Batchelder, Robert  
 Manning, Joseph  
 Pratt, John  
 Zerba, Roger

Burnham, Daniel  
 McGuirk, Paul  
 Richardson, Barbara

**COOS**

Bradley, Paula  
 Mears, Edgar  
 Woodward, David

Davis, Perley  
 Pratt, Leighton

Horton, Lynn  
 Rozek, Michael

Landers, Dana  
 Stohl, Eric



**GRAFTON**

Akins, Ralph  
 Gabler, William  
 Pawlek, Marion

Almy, Susan  
 Lovett, Sid  
 Scovner, Nancy

Benn, Bernard  
 Naro, Debra  
 Ward, Brien

Cooney, Mary  
 Nordgren, Sharon

**HILLSBOROUGH**

Andosca, Mary  
 Christensen, D L Chris  
 Cote, Peter  
 Dokmo, Cynthia  
 Dwyer, Paul  
 Gargas, Carolyn  
 Guinta, Frank  
 Holden, Randolph  
 Kacavas, John  
 LaFlamme, Paul  
 Leishman, Peter  
 Melcher, Harold  
 Panagopoulos, Nicholas  
 Schulze, Joan  
 Thulander, O Alan

Baroody, Benjamin  
 Clayton, William  
 Coughlin, Pamela  
 Drabinowicz, A Theresa  
 Dyer, Merton  
 Ginsburg, Ruth  
 Haley, Robert  
 Jean, Claudette  
 Keye, Harvey  
 LaRose, Richard  
 Lynde, Harold  
 Messier, Irene  
 Pepino, Leo  
 Shaw, Barbara  
 Wheeler, Robert

Bergin, Peter  
 Clemons, Jane  
 Craig, James  
 Drisko, Richard  
 Fields, Dennis  
 Goley, Jeffrey  
 Hall, Betty  
 Jean, Loren  
 Kony, Christine  
 Lasky, Bette  
 Martin, Mary Ellen  
 O'Connell, Timothy  
 Peterson, Andrew  
 Spiess, Paul  
 White, John

Buckley, Raymond  
 Cote, David  
 Daigle, Robert  
 Duval, Jeffrey  
 Foster, Linda  
 Gorman, Mary  
 Hall, Charles  
 Johnson, Lionel  
 L'Heureux, Robert  
 Leach, Edward  
 McHugh, Claire  
 Palangas, Eric  
 Rowe, Robert  
 Sweeney, Cynthia  
 Williams, Carol

**MERRIMACK**

Bouchard, Candace  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Hager, Elizabeth  
 Moore, Carol  
 Poulin, David  
 Seldin, Gloria  
 Yeaton, Charles

Clarke, Claire  
 Davis, Frank  
 French, Barbara  
 Jacobson, Alf  
 Owen, Derek  
 Reardon, Tara  
 Swindlehurst, John

Crosby, Toni  
 Dunne, Christopher  
 Gile, Mary  
 Langer, Ray  
 Perkins, Randy  
 Rodd, Beth  
 Wallner, Mary Jane

Cummings, Raymond  
 Feuerstein, Martin  
 Greco, Vincent  
 Lockwood, Priscilla  
 Potter, Frances  
 Rush, Deanna  
 Whittemore, James

**ROCKINGHAM**

Bishop, Franklin  
 Clark, Martha Fuller  
 Dearborn, Bruce  
 Flanagan, Natalie  
 Johnson, Robert  
 Kobel, Rudolph  
 Micklon, Stephanie  
 Priestley, Anne  
 Shultis, Elizabeth  
 Trueman, Raymond

Blanchard, MaryAnn  
 Coes, Betsy  
 DiFruscia, Anthony  
 Francoeur, Sheila  
 Kane, Cecelia  
 Langley, Jane  
 Norelli, Terie  
 Putnam, Ed II  
 Sloan, Stephen  
 Weatherspoon, Jacquelyne

Bowles, Raimond  
 Cooney, Richard  
 Dodge, Robert  
 Hamel, Albert  
 Kelley, Jane  
 Langone, John  
 Pantelakos, Laura  
 Robertson, Carl  
 Splaine, James  
 Woekel, Ralph

Case, Margaret  
 Cox, Russell  
 Downing, Michael  
 Holland, James Jr  
 Kelley, William  
 McGuire, Robert  
 Pitts, Jacqueline  
 Saia, Pamela  
 Stone, Joseph  
 Zolla, William

**STRAFFORD**

Berube, Roger  
 Dunlap, Patricia  
 Goodwin, Earle  
 Johnson, Nancy  
 McCarthy, Gerald  
 Rollo, Michael  
 Tsiros, William

Brennan, William  
 Estabrook, Iris  
 Grassie, Anne  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Wall, Janet

Callaghan, Frank  
 Ferland, Paul  
 Heon, Richard  
 Knowles, William  
 Pelletier, Marsha  
 Snyder, Clair  
 Woodill, Rodney

DeChane, Marlene  
 Gilmore, Gary  
 Hughes, Christopher  
 Lent, Donald  
 Proulx, Raymond  
 Spang, Judith

**SULLIVAN**

Allison, David  
 Flint, Gordon Sr  
 Leone, Richard  
 and the majority amendment failed.

Burling, Peter  
 Harris, Joseph  
 Phinizy, James

Cloutier, John  
 Harris, Sandra  
 Robb, Amy

Ferland, Brenda  
 Jones, Constance

Rep. Sapareto offered a floor amendment (0903h) and spoke in favor.  
Without objection, Rep. Sapareto withdrew his amendment.  
The question now being adoption of the motion of Ought to Pass.  
Rep. Cummings spoke against.  
Rep. Almy yielded to questions.  
Reps. Weyler and Sapareto spoke in favor and yielded to questions.  
Rep. Sapareto requested a roll call; sufficiently seconded.  
The question being adoption of the motion of Ought to Pass.

**YEAS 94 NAYS 274**

**YEAS 94  
BELKNAP**

Dewhirst, Glenn	Holbrook, Robert	Lawton, David	Rosen, Ralph
Wendelboe, Fran			

**CARROLL**

Bradley, Jeb	Patten, Betsey	Stevens, Stanley	Torresen, Gary
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**CHESHIRE**

Edwards, Dana	Fairbanks, Chandler	Hunt, John	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Gallus, John	Guay, Lawrence	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr	Woodward, David		

**GRAFTON**

Eaton, Stephanie	Mirski, Paul	Teschner, Douglass
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**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Balboni, Michael
Bergeron, Jean-Guy	Bragdon, Peter	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Christiansen, Lars	Dionne, Kimberley	Flora, Kathleen
Golding, William	Gonzalez, Carlos	Graham, John	Herman, Keith
Kurk, Neal	Lefebvre, Roland	McHugh, Claire	McRae, Karen
Mercer, Robert	Milligan, Robert	Moran, Edward	Reeves, Sandra
Salts, Greg	Sargent, Maxwell	Tahir, Saghir	Vaillancourt, Steve

**MERRIMACK**

Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Leber, William	Whalley, Michael	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Camm, Kevin	Chalbeck, Kevin
Clark, Vivian	Corbin, Corey	DiFruscia, Anthony	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Itse, Daniel	Johnson, Rogers	Letourneau, Robert
Major, Norman	McKinney, Betsy	Packard, Sherman	Palermo, Diane
Power, Lucille	Rausch, James	Reardon, Neil	Ruffner, Walter
Sapareto, Frank	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Cossette, Larry	Lent, Donald	Musler, George
Woods, Phyllis			

**SULLIVAN**

Odell, Bob

**NAYS 274****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Johnson, William	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Russell, David	Salatiello, Thomas	Thomas, John
Wood, Jane			

**CARROLL**

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Philbrick, Donald	Quimby, Lee	Sullivan, P Judith

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Emerson, Susan	Espiefs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Russell, Ronald	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Davis, Perley	Horton, Lynn	Landers, Dana
Mears, Edgar	Rozek, Michael	Stohl, Eric	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cobb, John	Cooney, Mary	Dudley, Terri	Gabler, William
Gilman, G Michael	Giuda, Robert	Ham, Bonnie	Lovett, Sid
Marshall, Gene	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Sova, Charles	Ward, Brien
Williams, Burton			

**HILLSBOROUGH**

Andosca, Mary	Artz, Lawrence	Balcom, John	Baroody, Benjamin
Bergin, Peter	Bouchard, David	Brundige, Robert	Buckley, Raymond
Chabot, Robert	Christensen, D L Chris	Clayton, William	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Gleneck, David	Goley, Jeffrey
Gorman, Mary	Greenberg, Gary	Guinta, Frank	Haley, Robert
Hall, Betty	Hall, Charles	Holden, Randolph	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kacavas, John	Keye, Harvey
Kony, Christine	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Lasky, Bette	Leach, Edward	Leishman, Peter	Lessard, Rudy
Lynde, Harold	Martel, Andre	Martin, Mary Ellen	Melcher, Harold
Messier, Irene	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Rowe, Robert
Schulze, Joan	Seibel, Christopher	Shaw, Barbara	Souza, Kathleen
Spies, Paul	Sweeney, Cynthia	Tate, Joan	Thompson, Rob
Thulander, O Alan	Wheeler, Robert	White, John	Williams, Carol

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Crosby, Toni	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Langer, Ray	Lockwood, Priscilla	MacKay, James

Maxfield, Roy  
Potter, Frances  
Rush, Deanna  
Wallner, Mary Jane

Moore, Carol  
Poulin, David  
Seldin, Gloria  
Whittemore, James

Owen, Derek  
Reardon, Tara  
Soltani, Tony  
Yeaton, Charles

Perkins, Randy  
Rodd, Beth  
Swindlehurst, John

### ROCKINGHAM

Belanger, Ronald  
Case, Margaret  
Cox, Russell  
Downing, Michael  
Giordano, Ronald  
Henderson, Warren  
Katsakiores, Phyllis  
Langley, Jane  
Moore, Benjamin  
Pantelakos, Laura  
Quandt, Marshall  
Shultis, Elizabeth  
Trueman, Raymond  
Zolla, William

Blanchard, MaryAnn  
Clark, Martha Fuller  
Dalrymple, Janeen  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Morse, Charles  
Pitts, Jacqueline  
Quandt, Matthew  
Sloan, Stephen  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Coes, Betsy  
Dearborn, Bruce  
Francoeur, Sheila  
Griffin, Mary  
Kane, Cecelia  
Kelley, William  
McGuire, Robert  
Norelli, Terie  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Whittier, John

Bridle, Russell  
Cooney, Richard  
Dodge, Robert  
Gilbert, Karl  
Hamel, Albert  
Katsakiores, George  
Kobel, Rudolph  
Micklon, Stephanie  
Nowe, Ronald  
Putnam, Ed II  
Saia, Pamela  
Stone, Joseph  
Woekel, Ralph

### STRAFFORD

Albert, Russell  
DeChane, Marlene  
Gilmore, Gary  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Spang, Judith  
Woodill, Rodney

Berube, Roger  
Dunlap, Patricia  
Goodwin, Earle  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Tsiros, William

Brennan, William  
Estabrook, Iris  
Grassie, Anne  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Twombly, James

Callaghan, Frank  
Ferland, Paul  
Harrington, Michael  
Kaen, Naida  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Phinizz, James

Cloutier, John  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance  
Rodeschin, Beverly

and the motion of Ought to Pass failed.

Rep. Vaillancourt moved Recommit to committee.

Rep. Sapareto spoke in favor.

On a division vote, 123 members having voted in the affirmative and 245 in the negative, the motion failed.

Rep. Almy moved Inexpedient to Legislate.

Adopted.

### SPECIAL ORDER

#### BILLS REMOVED FROM CONSENT CALENDAR APRIL 18<sup>TH</sup>

**HB 304-FN**, relative to insurance coverage for prostate cancer testing. **INEXPEDIENT TO LEGISLATE**

Rep. William B. Tsiros for Commerce: The committee recognizes that prostate cancer is one of the leading causes of death in this country. However, this bill does not offer any new or better methods to diagnose or treat the disease. On the other hand, it will create havoc in managed health care by allowing a man to ignore the advice of his physician and seek examinations and diagnostic decisions on his own, putting early and accurate treatment at more risk. Vote 15-0.

Reps. Poulin and Bickford spoke against.

Reps. Spiess and Hunt spoke in favor and yielded to questions.

Rep. Langer requested a roll call; sufficiently seconded.

The question being adoption of the committee report.



**YEAS 146****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas Jr

Czech, Stanley  
Lawton, David  
Rosen, Ralph

Dewhirst, Glenn  
Nedeau, Stephen  
Thomas, John

Flanders, Donald  
Pilliod, James

**CARROLL**

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Stevens, Stanley

Lyman, L Randy  
Sullivan, P Judith

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Royce, H Charles

Batchelder, Robert  
Manning, Joseph  
Russell, Ronald

Edwards, Dana  
McGuirk, Paul  
Smith, Edwin

Emerson, Susan  
Roberts, William

**COOS**

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Rozek, Michael

**GRAFTON**

Eaton, Stephanie  
Ward, Brian

Gilman, G Michael

Marshall, Gene

Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Bruno, Pierre  
Clegg, Robert Jr  
Fletcher, Richard  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
Mercer, Robert  
Pappas, Marc  
Rowe, Robert  
Tate, Joan

Artz, Lawrence  
Chabot, Robert  
Coughlin, Pamela  
Golding, William  
Holden, Randolph  
Kacavas, John  
Leishman, Peter  
Messier, Irene  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob

Bergin, Peter  
Christensen, D L Chris  
Eaton, Richard  
Graham, John  
Hopper, Gary  
Keye, Harvey  
Lessard, Rudy  
Milligan, Robert  
Peterson, Andrew  
Seibel, Christopher  
Thulander, O Alan

Bragdon, Peter  
Christiansen, Lars  
Emerton, Lawrence Sr  
Guinta, Frank  
Jean, Claudette  
Kurk, Neal  
Melcher, Harold  
Moran, Edward  
Reeves, Sandra  
Spiess, Paul  
Wheeler, Robert

**MERRIMACK**

Crosby, Toni  
Hutchinson, John  
Swindlehurst, John

Feuerstein, Martin  
Leber, William  
Winter, Steven

Fraser, Leo Jr  
Lockwood, Priscilla

Hager, Elizabeth  
Reardon, Tara

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Corbin, Corey  
Dowling, Patricia  
Francoeur, Sheila  
Holland, James Jr  
Kobel, Rudolph  
Major, Norman  
Packard, Sherman  
Stone, Joseph

Belanger, Ronald  
Camm, Kevin  
Cox, Russell  
Fesh, Bob  
Giordano, Ronald  
Itse, Daniel  
Langley, Jane  
McKinney, Betsy  
Palermo, Diane  
Stritch, C Donald

Bishop, Franklin  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Griffin, Mary  
Johnson, Rogers  
Langone, John  
Morse, Charles  
Putnam, Ed II  
Varrell, Thomas

Bowles, Raimond  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, John Sr  
Henderson, Warren  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Rausch, James  
Welch, David

**STRAFFORD**

Callaghan, Frank  
Knowles, William

Dunlap, Patricia  
Musler, George

Estabrook, Iris  
Tsiros, William

Harrington, Michael

**SULLIVAN**

Ferland, Brenda	Leone, Richard	Rodeschin, Beverly
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**NAYS 217**

**BELKNAP**

Boyce, Laurie	Johnson, William	Millham, Alida	Russell, David
Salatiello, Thomas	Wendelboe, Fran	Wood, Jane	

**CARROLL**

Babson, David Jr	Mock, Henry	Quimby, Lee	Torresen, Gary
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**CHESHIRE**

Allen, Peter	Burnham, Daniel	Dexter, Judson	Espieffs, Peter
Fairbanks, Chandler	Meader, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Pratt, Leighton	Rodrigue, Robert		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cobb, John	Cooney, Mary	Dudley, Terri	Gabler, William
Giuda, Robert	Ham, Bonnie	Lovett, Sid	Mirski, Paul
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sova, Charles	Teschner, Douglass	Williams, Burton	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Balboni, Michael
Balcom, John	Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Elliott, Larry	Fields, Dennis	Flora, Kathleen	Foster, Linda
Furman, Christine	Gargasch, Carolyn	Ginsburg, Ruth	Gleneck, David
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Haley, Robert
Hall, Betty	Hall, Charles	Jean, Loren	Konys, Christine
L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Lynde, Harold	Martel, Andre	Martin, Mary Ellen
McHugh, Claire	McRae, Karen	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Salts, Greg	Schulze, Joan	Shaw, Barbara
Souza, Kathleen	Sweeney, Cynthia	Tahir, Saghir	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Dunne, Christopher
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hess, David	Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	MacKay, James	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Poulin, David
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Soltani, Tony
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller
Coes, Betsy	Dodge, Robert	Downing, Michael	Gilbert, Karl

Gleason, John  
Johnson, Robert  
Kelley, William  
Norelli, Terie  
Priestley, Anne  
Robertson, Carl  
Shultis, Elizabeth  
Weyler, Kenneth

Hamel, Albert  
Kane, Cecelia  
McGuire, Robert  
Pantelakos, Laura  
Quandt, Marshall  
Ruffner, Walter  
Splaine, James  
Whittier, John

Hill, Jonathan  
Katsakiores, Phyllis  
Micklon, Stephanie  
Pitts, Jacqueline  
Quandt, Matthew  
Saia, Pamela  
Trueman, Raymond  
Woekel, Ralph

Hutchinson, Karen  
Kelley, Jane  
Moore, Benjamin  
Power, Lucille  
Reardon, Neil  
Sapareto, Frank  
Weatherspoon, Jacquelyne  
Zolla, William

### STRAFFORD

Albert, Russell  
Cossette, Larry  
Grassie, Anne  
Kaen, Naida  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Berube, Roger  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Proulx, Raymond  
Spang, Judith  
Woods, Phyllis

Bickford, David  
Gilmore, Gary  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Twombly, James

Brennan, William  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
Harris, Joseph  
Phinizy, James

Burling, Peter  
Harris, Sandra  
Robb, Amy

Cloutier, John  
Jones, Constance

Flint, Gordon Sr  
Odell, Bob

and the committee report failed.

Rep. Dwyer moved Ought to Pass with Amendment.

Rep. Poulin offered a floor amendment (0945h).

### Floor Amendment (0945h)

Amend RSA 417-G:2, I as inserted by section 1 of the bill by replacing it with the following:

1. Each insurer that issues or renews any policy of accident and health insurance providing benefits for hospital expense, medical-surgical expense, or major medical expense shall provide in each group or individual policy, contract or certificate of insurance issued or renewed for persons who are residents of this state, coverage for testing for the presence of prostate cancer, in accordance with the standards of the American Cancer Society, for men 50 years of age or older with a life expectancy of 10 years, and for men 45 years of age or older who are recognized as high risk. The coverage shall be as follows:

(a) An initial examination conducted by his licensed doctor and any follow-up clinical tests deemed necessary by the doctor for men 50 years of age or older, and for men 45 years of age or older who are considered high risk.

(b) An annual examination conducted by his licensed doctor and any follow-up clinical tests deemed necessary by the doctor, including a prostate-specific antigen blood test or a digital rectal examination performed in accordance with the standards of the American Cancer Society, for men 50 years of age or older and for men 45 years of age or older who are considered high risk.

### AMENDED ANALYSIS

This bill requires insurance coverage for testing for the presence of prostate cancer for men 50 years of age or older, and for men 45 years of age or older who are considered high risk.

Adopted.

The motion of Ought to Pass with Amendment was adopted.

Ordered to third reading.

### HB 668, prohibiting the use of genetic testing for certain insurance purposes. INEXPEDIENT TO LEGISLATE

Rep. Leo W. Fraser, Jr. for Commerce: This bill prohibits life, disability and long-term care insurers from requiring an individual to undergo genetic testing or to disclose the results of a genetic test. The majority of the committee believes that this bill is too broad and is also premature. Under present laws, an applicant for these types of insurance is required to provide information about his or her own health history. Under this bill, an applicant would be permitted to withhold health infor-

mation from an insurer. In addition, the definition of genetic testing in the bill is over broad and could be construed to include a number of routine medical tests. Although other states have adopted laws relative to genetic testing, none of these laws incorporate the provisions in HB 668. If requirements such as these were to be adopted in New Hampshire, they could have a chilling effect on the insurance market in the state, especially the emerging long-term care market.

This issue has been discussed in the legislature in previous sessions. Last year a committee to study issues relating to the use of medical testing in underwriting insurance was established with the adoption of HB 1589 (Chapter 304, Laws of 2000). Unfortunately, this committee was not able to fulfill its charge before the reporting date and has requested an extension. The committee believes that since insurers are not requiring applicants to undergo genetic testing in New Hampshire now, it makes more sense to allow for the careful review of this issue. As the use of genetic testing expands in the future, we will be able to identify any problems associated with it and will have the opportunity to craft responsible legislation to address any problems. Vote 9-4.

Rep. Hunt moved Recommit to committee.

Adopted.

Recommitted to Commerce.

**HB 670**, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would establish a legislative commission to review existing trade agreements made at the federal level. The committee feels that it would not be appropriate to establish this commission for the following reasons: 1) the state already has an International Trade Advisory Council which includes legislative members, 2) careful review of those trade agreements would require staff and hired consultants, funding for which is not included in the bill and, 3) passage of this bill would send a negative message to New Hampshire businesses that export and to our global trading partners. The Department of Research and Economic Development testified in strong opposition to HB 670. Vote 14-0.

Rep. Weed spoke against.

Rep. Leo Fraser spoke in favor and yielded to questions.

On a division vote, 296 members having voted in the affirmative and 49 in the negative, the report was adopted.

**HB 690**, adopting the "Financial Information Privacy Protection Model Act." **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: The amendment replaces the entire bill. As amended HB 690 will create a medical privacy statute covering all insurance companies and agents. Under this law no medical information may be shared without the consumer giving permission (opt-in). The committee feels that although the Health Insurance Portability & Accountability Act of 1996 (HIPAA) regulations are not completed, it is important to have a medical privacy law in New Hampshire. The committee also feels it is very important that department rules generated under this act not be confused with other rules generated by the insurance department as required under a separate federal statute known as Gramm-Leach-Bliley (GLB). GLB is an act relative to financial institutions and does not effect medical privacy. Vote 11-1.

#### **Amendment (0863h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to disclosure of nonpublic personal health information.

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Disclosure of Nonpublic Personal Health Information. Amend RSA by inserting after chapter 406-C the following new chapter:

#### **CHAPTER 406-D**

#### **DISCLOSURE OF NONPUBLIC PERSONAL HEALTH INFORMATION**

406-D:1 Definitions. In this chapter:

I. "Clear and conspicuous" means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

II. "Commissioner" means the insurance commissioner.

III. "Consumer" means an individual who in this state seeks to obtain, obtains, or has obtained a health insurance product or service from a licensee.



IV. "Customer" means a consumer who has a customer relationship with a licensee.

V. "Customer relationship" means a continuing relationship between a consumer and a licensee under which the licensee provides health insurance products or services to the consumer.

VI. "Department" means the insurance department.

VII. "Health information" means any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or the consumer that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provisions of health care to an individual.

VIII. "Licensee" means all licensed health insurers, and producers licensed or authorized or required to be authorized, or registered or required to be registered pursuant to the provisions of Title XXXVII.

IX. "Nonpublic personal health information" means health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

#### 406-D:2 Authorization Required for Disclosure of Nonpublic Personal Health Information.

I. A licensee shall not disclose nonpublic personal health information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health information is sought to be disclosed.

II. Nothing in this chapter shall prohibit, restrict or require an authorization for the disclosure of nonpublic personal health information by a licensee for the performance of the following insurance functions by or on behalf of the licensee: claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; policy placement or issuance; loss control; ratemaking and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; quality assurance; quality improvement; performance evaluation; provider credentialing verification; utilization review; peer review activities; actuarial, scientific, medical or public policy research; grievance procedures; internal administration of compliance, managerial, and information systems; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers' compensation policy or program; activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit; any activity that permits disclosure without authorization pursuant to the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the U. S. Department of Health and Human Services; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and any activity otherwise permitted by law, required pursuant to governmental reporting authority, or to comply with legal process. Additional insurance functions may be added with the approval of the commissioner to the extent they are necessary for appropriate performance of insurance functions and are fair and reasonable to the interest of consumers.

#### 406-D:3 Authorizations.

I. A valid authorization to disclose nonpublic personal health information pursuant to this chapter shall be in written or electronic form and shall contain all of the following:

(a) The identity of the consumer or customer who is the subject of the nonpublic personal health information;

(b) A general description of the types of nonpublic personal health information to be disclosed;

(c) General descriptions of the parties to whom the licensee discloses nonpublic personal health information, the purpose of the disclosure and how the information will be used;

(d) The signature of the consumer or customer who is the subject of the nonpublic personal health information or the individual who is legally empowered to grant authority and the date signed; and

(e) Notice of the length of time for which the authorization is valid and that the consumer or customer may revoke the authorization at any time and the procedure for making a revocation.

II. An authorization for the purposes of this section shall specify a length of time for which the authorization shall remain valid, which in no event shall be for more than 24 months.

III. A consumer or customer who is the subject of nonpublic personal health information may revoke an authorization provided pursuant to this section at any time, subject to the rights of an individual who acted in reliance on the authorization prior to notice of the revocation.

IV. A licensee that is subject to examination by the department shall retain the authorization or a copy thereof in the record of the individual who is the subject of nonpublic personal health information for a period of 6 years from the date the authorization ends or until the examination is completed, whichever is greater.

406-D:4 Authorization Request Delivery. A request for authorization and an authorization form may be delivered to a consumer or a customer as part of an opt-out notice, provided that the request and the authorization form are clear and conspicuous. An authorization form is not required to be delivered to the consumer or customer or included in any other notices unless the licensee intends to disclose protected health information.

406-D:5 Relationship to Federal Rules. Irrespective of whether a licensee is subject to the federal Health Insurance Portability and Accountability Act privacy rule as promulgated by the U.S. Department of Health and Human Services (the "federal rule"), if a licensee complies with all requirements of the federal rule except for its effective date provision, the licensee shall not be subject to the provisions of this section.

406-D:6 Applicability. Nothing in this chapter shall preempt or supercede existing state law related to medical records, health or insurance information privacy.

406-D:7 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this chapter.

406-D:8 Violation. A violation of this chapter shall be deemed to be an unfair method of competition or an unfair or deceptive act and practice in this state, in violation of RSA 417.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires an insurance licensee to obtain certain authorization before disclosing nonpublic personal health information about consumers or customers. The bill grants the insurance commissioner rulemaking authority to administer the provisions of the bill.

Adopted.

Rep. Hunt offered a floor amendment (1005h).

#### Floor Amendment (1005h)

Amend RSA 406-D:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Nothing in this chapter shall prohibit, restrict or require an authorization for the disclosure of nonpublic personal health information by a licensee for the performance of the following insurance functions by or on behalf of the licensee: claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; policy placement or issuance; loss control; ratemaking and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; quality assurance; quality improvement; performance evaluation; provider credentialing verification; utilization review; peer review activities; actuarial research; grievance procedures; internal administration of compliance, managerial, and information systems; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers' compensation policy or program; activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and any activity otherwise required by law, required pursuant to governmental reporting authority, or to comply with legal process. Additional insurance functions may be added with the approval of the commissioner to the extent they are necessary for appropriate performance of insurance functions and are fair and reasonable to the interest of consumers.

Amend RSA 406-D as inserted by section 1 of the bill by deleting RSA 406-D:5 and renumbering RSA 406-D:6 – 406-D:8 to read as RSA 406-D:5 – 406-D:7, respectively.

Reps. Hunt and Kurk spoke in favor.

Floor amendment adopted.

Report adopted and ordered to third reading.

**HB 679**, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris Estabrook for Education: The committee believes a study of models of out-of-school care is of great importance in addressing issues such as early onset substance abuse, teen pregnancy and juvenile crime, in addition to its implications for education. The amendment broadens the commission's membership to reflect these complexities. Vote 16-0.

### Amendment (0493h)

Amend the bill by replacing section 3 with the following:

#### 3 Membership and Compensation.

##### I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house, one of whom shall be a member of the education committee, one of whom shall be a member of the criminal justice and public safety committee, and one of whom shall be a member of the health, human services and elderly affairs committee.

(b) Three members of the senate, appointed by the president of the senate, one of whom shall be a member of the education committee, one of whom shall be a member of the judiciary committee, and one of whom shall be a member of the public institutions, health and human services committee.

(c) The chair of the New Hampshire School Boards Association or designee.

(d) The chair of the New Hampshire School Administrator's Association or designee.

(e) A representative of the business community, appointed by the governor.

(f) A representative of the department of education, appointed by the commissioner of the department of education.

(g) Representatives of the bureaus of child care development and of juvenile justice, division of children youth and families, appointed by the commissioner of the department of health and human services.

(h) Three parents of children in kindergarten through grade 12, from different parts of the state, appointed by the governor.

(i) A member of the New Hampshire Kids Cabinet, appointed by the governor.

(j) A member of the New Hampshire Child Advocacy Network, specializing in the prevention of youth crime, appointed by the governor.

(k) A representative of a statewide organization whose focus is out-of-school programming for school age children, appointed by the governor.

(l) Two out-of-school care providers, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

Adopted.

Report adopted and ordered to third reading.

**HB 346-FN**, relative to requirements for medical examination and determination of gainful occupation for group II retirees injured in the performance of duty. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would remove the requirements of periodic medical examinations and determination of gainful occupation in excess of disability benefits for a group II member who is granted an accidental disability retirement due to injury in the performance of duty. The committee felt that to remove these safeguards would not be in the best interest of the retirement system in general or the remaining members within the benefit pool. The fiscal note estimated the cost of this bill at approximately \$800,000.00 to the retirement system. In addition, there was testimony that this bill could involve Article 28-a issues and might be in violation of the constitution. Vote 17-1.

Adopted.

**HB 306-FN**, relative to driver education training reimbursement. **INEXPEDIENT TO LEGISLATE**

Rep. Paul J. Dwyer, Sr. for Finance: We are obligated under current law to fund the high school driver training program with funds appropriated from the vanity plate sales. There are sufficient funds for the high school program but to include the private school driver training would cause us to fund the addition with general funds. Vote 20-0.



Rep. Letourneau spoke against and yielded to questions.

Rep. Dwyer spoke against.

On a division vote, 220 members having voted in the affirmative and 127 in the negative, the report was adopted.

### **HB 741-FN-A-L, relative to supplemental grants to certain municipalities to cap tax effort per pupil. INEXPEDIENT TO LEGISLATE**

Rep. Francine Wendelboe for Finance: This bill provides for supplemental grants from the Education Trust Fund to certain municipalities to cap tax effort per pupil. The sponsor's intent was to insure that no community would have to pay more than \$5.00 per thousand of assessed valuation. While the committee was sympathetic to the sponsor's goal of targeting aid, this approach does not help bring the legislature closer to resolving the pressing issues of funding an adequate education now before us. Once we have agreed upon a basic structure, this and other proposals might better be considered. Vote 21-1.

Rep. Mirski spoke against.

Rep. Wendelboe spoke in favor.

Rep. Sapareto requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## **YEAS 273 NAYS 89**

### **YEAS 273**

#### **BELKNAP**

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Russell, David	Salatiello, Thomas	Thomas, John
Wendelboe, Fran	Wood, Jane		

#### **CARROLL**

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Quimby, Lee	Stevens, Stanley

#### **CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Hunt, John	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin	Weed, Charles	

#### **COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rozeck, Michael
Stohl, Eric	Toll, John Jr	Woodward, David	

#### **GRAFTON**

Akins, Ralph	Benn, Bernard	Cobb, John	Cooney, Mary
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Ham, Bonnie	Marshall, Gene	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Teschner, Douglass	Ward, Brien
Williams, Burton			

## **HILLSBOROUGH**

Alukonis, David	Artz, Lawrence	Balcom, John	Bergin, Peter
Bouchard, David	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane



Cote, David  
Daigle, Robert  
Duval, Jeffrey  
Fields, Dennis  
Gargasz, Carolyn  
Goley, Jeffrey  
Guinta, Frank  
Jean, Claudette  
Konys, Christine  
LaRose, Richard  
Lessard, Rudy  
Melcher, Harold  
O'Connell, Timothy  
Pepino, Leo  
Schulze, Joan  
Sweeney, Cynthia  
Wheeler, Robert

Cote, Peter  
Dokmo, Cynthia  
Dwyer, Paul  
Fletcher, Richard  
Ginsburg, Ruth  
Gorman, Mary  
Hall, Charles  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Lynde, Harold  
Mercer, Robert  
Palangas, Eric  
Reeves, Sandra  
Seibel, Christopher  
Tahir, Saghir  
White, John

Coughlin, Pamela  
Drabinowicz, A Theresa  
Dyer, Merton  
Foster, Linda  
Gleneck, David  
Graham, John  
Herman, Keith  
Kacavas, John  
L'Heureux, Robert  
Leach, Edward  
Martel, Andre  
Messier, Irene  
Panagopoulos, Nicholas  
Rowe, Robert  
Shaw, Barbara  
Tate, Joan  
Williams, Carol

Craig, James  
Drisko, Richard  
Emerton, Lawrence Sr  
Furman, Christine  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
Keye, Harvey  
LaFlamme, Paul  
Leishman, Peter  
McHugh, Claire  
Milligan, Robert  
Pappas, Marc  
Sargent, Maxwell  
Spiess, Paul  
Thulander, O Alan

## MERRIMACK

Anderson, Eric  
Crosby, Toni  
Dunne, Christopher  
French, Barbara  
Hutchinson, John  
Leber, William  
Owen, Derek  
Rodd, Beth  
Whalley, Michael

Bouchard, Candace  
Cummings, Raymond  
Feuerstein, Martin  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Potter, Frances  
Rush, Deanna  
Yeaton, Charles

Brewster, Richard  
Daneault, Gabriel  
Fraser, Leo Jr  
Hager, Elizabeth  
L'Heureux, Stephen  
MacKay, James  
Poulin, David  
Swindlehurst, John

Clarke, Claire  
Davis, Frank  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

## ROCKINGHAM

Arndt, Janet  
Bowles, Raimond  
Clark, Vivian  
Dearborn, Bruce  
Francoeur, Sheila  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Packard, Sherman  
Rausch, James  
Stone, Joseph  
Welch, David

Belanger, Ronald  
Bridle, Russell  
Coes, Betsy  
Dowling, Patricia  
Gilbert, Karl  
Henderson, Warren  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Morse, Charles  
Pantelakos, Laura  
Saia, Pamela  
Stritch, C Donald  
Whittier, John

Bishop, Franklin  
Case, Margaret  
Cooney, Richard  
Flanagan, Natalie  
Gleason, John  
Holland, James Jr  
Kane, Cecelia  
Kelley, William  
McKinney, Betsy  
Norelli, Terie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Varrell, Thomas  
Zolla, William

Blanchard, MaryAnn  
Clark, Martha Fuller  
Cox, Russell  
Flanders, John Sr  
Griffin, Mary  
Hutchinson, Karen  
Katsakiores, George  
Kobel, Rudolph  
Micklon, Stephanie  
Nowe, Ronald  
Priestley, Anne  
Splaine, James  
Weatherspoon, Jacquelyne

## STRAFFORD

Albert, Russell  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Snyder, Clair  
Twombly, James

Berube, Roger  
Dunlap, Patricia  
Hughes, Christopher  
Musler, George  
Spang, Judith  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Johnson, Nancy  
Rollo, Michael  
Taylor, Kathleen

Callaghan, Frank  
Goodwin, Earle  
Kaen, Naida  
Smith, Marjorie  
Tsiros, William

## SULLIVAN

Allison, David  
Flint, Gordon Sr  
Robb, Amy

Burling, Peter  
Harris, Joseph  
Rodeschin, Beverly

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Jones, Constance

**NAYS 89****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Lawton, David	Rosen, Ralph
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**CARROLL**

Dickinson, Howard	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary
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**CHESHIRE**

Fairbanks, Chandler	Zerba, Roger
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**COOS**

Gallus, John	Rodrigue, Robert
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**GRAFTON**

Alger, John	Almy, Susan	Giuda, Robert	Lovett, Sid
Mirski, Paul	Naro, Debra	Sova, Charles	

**HILLSBOROUGH**

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Balboni, Michael
Bergeron, Jean-Guy	Bruno, Pierre	Desrosiers, William	Dionne, Kimberley
Eaton, Richard	Elliott, Larry	Flora, Kathleen	Gonzalez, Carlos
Haley, Robert	Hopper, Gary	Jean, Loren	Lefebvre, Roland
Martin, Mary Ellen	McRae, Karen	Moran, Edward	Peterson, Andrew
Salts, Greg	Souza, Kathleen	Thompson, Rob	Vaillancourt, Steve

**MERRIMACK**

Greco, Vincent	Kennedy, Richard	Maxfield, Roy	Perkins, Randy
Seldin, Gloria	Soltani, Tony	Whitemore, James	Winter, Steven

**ROCKINGHAM**

Camm, Kevin	Chalbeck, Kevin	DiFruscia, Anthony	Dodge, Robert
Downing, Michael	Fesh, Bob	Giordano, Ronald	Hill, Jonathan
Johnson, Rogers	Langley, Jane	Langone, John	McGuire, Robert
Palermo, Diane	Power, Lucille	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Reardon, Neil	Robertson, Carl	Ruffner, Walter
Sapareto, Frank	Trueman, Raymond	Weyler, Kenneth	Woekel, Ralph

**STRAFFORD**

Bickford, David	Cossette, Larry	Gilmore, Gary	Harrington, Michael
Heon, Richard	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Woodill, Rodney	Woods, Phyllis	

**SULLIVAN**

Leone, Richard	Odell, Bob	Phinzy, James
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and the report was adopted.

**HB 158, relative to the use of an artificial light to locate moose. OUGHT TO PASS WITH AMENDMENT**

Rep. David S. Woodward for Fish and Game: This bill as amended would allow people and moose tours in Coos County to use lights for "spotting" moose for recreational viewing through the second Monday in October (i.e. Columbus Day). The Committee felt that this north country activity was an excellent addition to tourism and a way for people to enjoy seeing New Hampshire's wild-life. Vote 16-1.

**Amendment (0825h)**

Amend RSA 208:8-a, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. The provisions of paragraph I shall not apply to a person using an artificial light to locate or view a moose prior to 9:00 p.m. on any day during the period of September 1 through the second Monday of October. In addition, the exception in this paragraph shall be limited to the following roads in Coos county.

(a) Class I, II, and III state highways.

(b) Class IV, V, and VI city or town roads, with the permission of the local governing body.

Rep. McKinney spoke against.

Committee amendment failed.

Rep. McKinney offered a floor amendment (0937h) and spoke in favor.

### Floor Amendment (0937h)

Amend RSA 208:8-a, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. The provisions of paragraph I shall not apply to a person using an artificial light to locate or view a moose from 9:00 a.m. to 9:00 p.m. on any day during the period of September 1 through the second Monday of October. In addition, the exception in this paragraph shall be limited to the following roads in Coos county.

(a) Class I, II, and III state highways.

(b) Class IV, V, and VI city or town roads, with the permission of the local governing body.

Adopted.

Report adopted and ordered to third reading.

**HB 495**, relative to judicially appointed officials. **OUGHT TO PASS WITH AMENDMENT**

Rep. Larry G. Elliott for Judiciary: The bill provides guidelines for the court on how to appoint administrators and guardians ad litem. This bill would allow parties to come together and pick their own administrator or guardian. Also, the bill would provide a uniform way of appointing masters and guardians throughout the state. Currently, each court exercises its own discretion in the procedures of appointing these individuals. The bill excludes marital masters and guardian ad litem appointed in child custody cases. Vote 12-0.

### Amendment (0860h)

Amend RSA 493-B:1, I as inserted by section I of the bill by replacing it with the following:

I.(a) "Appointed official" means an administrator, an administrator de bonis non, a special administrator, a guardian ad litem except as provided in subparagraph (b)(2), an auditor, an appraiser, a referee, a master, or any other person appointed by a court; part or all of whose compensation is to be paid by one or more parties to an action pending before the court.

(b) "Appointed official" shall not include:

(1) An executor nominated by a decedent or an appraiser nominated by such executor.

(2) A guardian ad litem appointed in a matter involving the custody of minor children.

(3) A marital master duly appointed under the marital master program.

Adopted.

Report adopted and ordered to third reading.

**HB 724**, relative to pooled risk management programs for public employers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The committee felt this bill was an attempt to involve the legislature in a business battle for clients. One company wants the legislature to force a depletion of surplus of the competing party to force an increase in the competition rates to a level as high as theirs. Since the beneficiary of this bill is the "new kid on the block" and passage would result in increased costs to city and town insurance, the committee recommends Inexpedient to Legislate. Vote 12-1

Reps. Anderson and Stone spoke against.

Rep. Wheeler spoke against and yielded to questions.

Reps. Jacobson and Clegg spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 306****BELKNAP**

Bartlett, Gordon  
Johnson, William  
Pilliod, James  
Salatiello, Thomas

Boyce, Laurie  
Lawton, David  
Rice, Thomas Jr  
Thomas, John

Czech, Stanley  
Millham, Alida  
Rosen, Ralph  
Wendelboe, Fran

Dewhirst, Glenn  
Nedeau, Stephen  
Russell, David  
Wood, Jane

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

**CHESHIRE**

Allen, Peter  
Edwards, Dana  
Hunt, John  
Mitchell, McKim  
Royce, H Charles

Avery, Stephen  
Emerson, Susan  
Manning, Joseph  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Espiefs, Peter  
McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

Dexter, Judson  
Fairbanks, Chandler  
Meador, David  
Roberts, William  
Zerba, Roger

**COOS**

Bradley, Paula  
Horton, Lynn  
Stohl, Eric

Davis, Perley  
Landers, Dana  
Tholl, John Jr

Gallus, John  
Mears, Edgar

Guay, Lawrence  
Rozek, Michael

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Naro, Debra  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Lovett, Sid  
Pawlek, Marion  
Teschner, Douglass

Cobb, John  
Gabler, William  
Marshall, Gene  
Scanlan, David  
Ward, Brien

Cooney, Mary  
Gilman, G Michael  
Mirski, Paul  
Scovner, Nancy  
Williams, Burton

**HILLSBOROUGH**

Allan, Nelson  
Artz, Lawrence  
Bouchard, David  
Buckley, Raymond  
Christiansen, Lars  
Cote, David  
Daigle, Robert  
Dwyer, Paul  
Furman, Christine  
Golding, William  
Graham, John  
Hall, Charles  
Jean, Claudette  
Keye, Harvey  
LaFlamme, Paul  
Lessard, Rudy  
McRae, Karen  
Milligan, Robert  
Panagopoulos, Nicholas  
Rowe, Robert  
Shaw, Barbara  
Thompson, Rob

Alukonis, David  
Balboni, Michael  
Bragdon, Peter  
Calawa, Leon Jr  
Clayton, William  
Cote, Peter  
Drabinowicz, A Theresa  
Fields, Dennis  
Gargas, Carolyn  
Goley, Jeffrey  
Greenberg, Gary  
Herman, Keith  
Jean, Loren  
Konys, Christine  
LaRose, Richard  
Lynde, Harold  
Melcher, Harold  
Moran, Edward  
Pappas, Marc  
Salts, Greg  
Spiess, Paul  
Thulander, O Alan

Andosca, Mary  
Balcom, John  
Brundige, Robert  
Chabot, Robert  
Clegg, Robert Jr  
Coughlin, Pamela  
Drisko, Richard  
Flora, Kathleen  
Ginsburg, Ruth  
Gonzalez, Carlos  
Guinta, Frank  
Holden, Randolph  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Martel, Andre  
Mercer, Robert  
O'Connell, Timothy  
Pepino, Leo  
Schulze, Joan  
Sweeney, Cynthia  
White, John

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Clemons, Jane  
Craig, James  
Duval, Jeffrey  
Foster, Linda  
Gleneck, David  
Gorman, Mary  
Haley, Robert  
Hopper, Gary  
Kacavas, John  
L'Heureux, Robert  
Leach, Edward  
Martin, Mary Ellen  
Messier, Irene  
Palangas, Eric  
Reeves, Sandra  
Seibel, Christopher  
Tate, Joan  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Cummings, Raymond

Brewster, Richard  
Daneault, Gabriel

Clarke, Claire  
Fraser, Leo Jr

Crosby, Toni  
Fraser, Marilyn



French, Barbara  
Hutchinson, John  
Langer, Ray  
Moore, Carol  
Poulin, David  
Swindlehurst, John  
Yeaton, Charles

Gile, Mary  
Jacobson, Alf  
Leber, William  
Owen, Derek  
Reardon, Tara  
Wallner, Mary Jane

Greco, Vincent  
Kennedy, Richard  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Whalley, Michael

Hess, David  
L'Heureux, Stephen  
Maxfield, Roy  
Potter, Frances  
Soltani, Tony  
Winter, Steven

## ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Clark, Martha Fuller  
DiFruscia, Anthony  
Flanders, John Sr  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Splaine, James  
Weatherspoon, Jacquelyne  
Zolla, William

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
Downing, Michael  
Francoeur, Sheila  
Hill, Jonathan  
Katsakiores, George  
Kobel, Rudolph  
McGuire, Robert  
Morse, Charles  
Palermo, Diane  
Priestley, Anne  
Rausch, James  
Saia, Pamela  
Stritch, C Donald  
Welch, David

Bishop, Franklin  
Case, Margaret  
Cox, Russell  
Fesh, Bob  
Giordano, Ronald  
Holland, James Jr  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Norelli, Terie  
Pantelakos, Laura  
Putnam, Ed II  
Reardon, Neil  
Sapareto, Frank  
Trueman, Raymond  
Whittier, John

Bowles, Raimond  
Chalbeck, Kevin  
Dearborn, Bruce  
Flanagan, Natalie  
Griffin, Mary  
Hutchinson, Karen  
Kelley, Jane  
Langone, John  
Micklon, Stephanie  
Nowe, Ronald  
Pitts, Jacqueline  
Quandt, Marshall  
Robertson, Carl  
Shultis, Elizabeth  
Varrell, Thomas  
Woekel, Ralph

## STRAFFORD

Albert, Russell  
Callaghan, Frank  
Estabrook, Iris  
Harrington, Michael  
Kaen, Naida  
Pelletier, Arthur  
Rollo, Michael  
Tsiros, William  
Woods, Phyllis

Berube, Roger  
Cossette, Larry  
Gilmore, Gary  
Heon, Richard  
Lent, Donald  
Pelletier, Marsha  
Smith, Marjorie  
Twombly, James

Bickford, David  
DeChane, Marlene  
Goodwin, Earle  
Hughes, Christopher  
McCarthy, Gerald  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Grassie, Anne  
Johnson, Nancy  
Musler, George  
Reid, Christopher  
Taylor, Kathleen  
Woodill, Rodney

## SULLIVAN

Allison, David  
Jones, Constance  
Robb, Amy

Cloutier, John  
Leone, Richard  
Rodeschin, Beverly

Harris, Joseph  
Odell, Bob

Harris, Sandra  
Phinizy, James

## NAYS 49

## BELKNAP

Holbrook, Robert

Patten, Betsey

## CARROLL

Batchelder, Robert

Smith, Edwin

Pratt, Leighton

## COOS

## GRAFTON

Almy, Susan

Benn, Bernard

Ham, Bonnie

Nordgren, Sharon

## HILLSBOROUGH

Bergin, Peter  
Dyer, Merton

Carlson, Donald  
Eaton, Richard

Dionne, Kimberley  
Elliott, Larry

Dokmo, Cynthia  
Emerton, Lawrence Sr

Fletcher, Richard  
 Peterson, Andrew  
 Wheeler, Robert

Lefebvre, Roland  
 Sargent, Maxwell

Leishman, Peter  
 Tahir, Saghir

McHugh, Claire  
 Vaillancourt, Steve

## MERRIMACK

Anderson, Eric  
 Hager, Elizabeth

Davis, Frank  
 MacKay, James

Dunne, Christopher  
 Seldin, Gloria

Feuerstein, Martin

## ROCKINGHAM

Blanchard, MaryAnn  
 Dowling, Patricia  
 Johnson, Robert  
 Weyler, Kenneth

Clark, Vivian  
 Gilbert, Karl  
 Johnson, Rogers

Coes, Betsy  
 Gleason, John  
 Kane, Cecelia

Dodge, Robert  
 Hamel, Albert  
 Stone, Joseph

## STRAFFORD

Knowles, William

## SULLIVAN

Burling, Peter  
 and the report was adopted.

Flint, Gordon Sr

**HB 596**, relative to the acquisition of land by a town. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Robert W. Brundige for Municipal and County Government: This bill enables a town to acquire real estate by a majority vote of the board of selectmen instead of requiring a vote by the legislative body. The proposal must first be approved by the planning board and the conservation commission. The selectmen must then hold two (2) public hearings at least ten (10) days but no more than fourteen (14) days apart. Upon the written petition of fifty (50) or more voters prior to the selectmen's vote, the proposed acquisition or sale shall be inserted in the warrant for town meeting. Vote 16-1.

### Amendment (0853h)

Amend the bill by replacing all after the enacting clause with the following:

I Capital Reserve Funds; Acquisition of Land by Majority Vote of Town Selectmen. Amend RSA 35:15, II to read as follows:

II. Expenditures from any fund established for the acquisition of land pursuant to RSA 35:1 shall be made only as authorized:

(a) By a majority vote of the legal voters present and voting at an annual or special meeting, in the case of a town, school district or village district, or by majority vote of the county delegation, in the case of a county, **or**.

(b) *By the selectmen, appointed as agents pursuant to RSA 41:14-a, provided that the selectmen shall not have authority to expend any sum in excess of the amount contained in any capital reserve account created for the purchase of land other than any grant moneys which may be received.*

2 Town Officers; Sale of Town-Owned Land, Buildings or Both; Acquisition by Selectmen Permitted. Amend RSA 41:14-a to read as follows:

41:14-a **Acquisition or Sale of [Town-Owned] Land, Buildings, or Both.**

I. If adopted in accordance with RSA 41:14-c, [~~in towns with 10,000 or more inhabitants;~~] the selectmen shall have the authority to **acquire or sell [town-owned]** land, buildings, or both; provided, however, they shall first submit any such proposed **acquisition or** sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed **acquisition or** sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed **acquisition or** sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 10 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to *the sale of* and the selectmen shall have no authority to sell:

(a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

(c) *Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes.*

3 Town Officers; Sale of Town-Owned Land, Buildings or Both; Adoption Procedure. Amend RSA 41:14-c to read as follows:

41:14-c Adoption Procedure.

*I. Towns may adopt the provisions of RSA 41:14-a at any duly warned meeting. Once adopted, these provisions shall remain in effect until specifically rescinded by the town at any duly warned meeting.*

*II. Towns with 10,000 or more inhabitants may adopt the provisions of RSA [41:14-a or 14-b or both.] 41:14-b at any duly warned meeting. Once adopted, these provisions shall remain in effect until specifically rescinded by the town at any duly warned meeting.*

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill enables a town of any size to acquire real estate by a majority vote of the board of selectmen. The bill also clarifies that a town does not have the authority to sell real estate given to a town for charitable or community purposes.

Adopted.

Report adopted and ordered to third reading.

**HB 716-FN**, relative to minimum wages of employees in public works. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Rozek for Public Works and Highways: This bill proposes establishing certain minimum wage determinations for the construction of public projects. This bill would dramatically increase the costs associated with the construction of public projects for local communities, counties and the state. The prevailing wage rate for construction projects would be set by the Commissioner of Labor. This legislation would add another layer of government when it is not necessary. Because of the additional cost and increase in the size of government without helping to solve any existing problems, the committee felt that this was not in the best interest of all citizens involved. This legislation is almost identical to a statute that was repealed in 1985. Vote 13-5.

Adopted.

**HB 562-FN-A-L**, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Ways and Means: This bill, as amended by the sponsors, proposes a combination consumption and sales tax which is so high it will fund our current education obligations while at the same time raising sufficient revenues to generate a 4 billion dollar "education trust fund" in 10 years. While this may be a laudable goal, it clearly places an extreme burden on our taxpayers in the short term. For this reason, and the fact that all other provisions of this bill are included in legislation retained by the committee, we unanimously recommend HB 562 as inexpedient to legislate. Vote 17-0.

Rep. Bergin spoke against.

### LAI D ON THE TABLE

Rep. Peterson moved that **HB 562-FN-A-L**, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding, be laid on the table.

Rep. Mirski requested a roll call; sufficiently seconded.

**YEAS 196****BELKNAP**

Johnson, William  
Rosen, Ralph

Millham, Alida  
Salatiello, Thomas

Pilliod, James  
Wood, Jane

Rice, Thomas Jr

**CARROLL**

Babson, David Jr

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

Dexter, Judson  
Meader, David  
Russell, Ronald

**COOS**

Bradley, Paula  
Pratt, Leighton

Davis, Perley  
Stohl, Eric

Landers, Dana

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Nordgren, Sharon  
Williams, Burton

Almy, Susan  
Ham, Bonnie  
Pawlek, Marion

Benn, Bernard  
Lovett, Sid  
Scovner, Nancy

Cooney, Mary  
Naro, Debra  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Bruno, Pierre  
Christensen, D L Chris  
Daigle, Robert  
Drisko, Richard  
Eaton, Richard  
Ginsburg, Ruth  
Graham, John  
Jean, Claudette  
Konys, Christine  
Leach, Edward  
McHugh, Claire  
O'Connell, Timothy  
Rowe, Robert  
Vaillancourt, Steve

Arnold, Thomas Jr  
Buckley, Raymond  
Clayton, William  
Dionne, Kimberley  
Duval, Jeffrey  
Flora, Kathleen  
Golding, William  
Haley, Robert  
Johnson, Lionel  
LaFlamme, Paul  
Lefebvre, Roland  
Melcher, Harold  
Palangas, Eric  
Shaw, Barbara  
White, John

Artz, Lawrence  
Carlson, Donald  
Cote, David  
Dokmo, Cynthia  
Dwyer, Paul  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Kacavas, John  
LaRose, Richard  
Leishman, Peter  
Messier, Irene  
Panagopoulos, Nicholas  
Spiess, Paul  
Williams, Carol

Bergin, Peter  
Chabot, Robert  
Craig, James  
Drabinowicz, A Theresa  
Dyer, Merton  
Gargasch, Carolyn  
Gonzalez, Carlos  
Hall, Charles  
Keye, Harvey  
Lasky, Bette  
Lynde, Harold  
Moran, Edward  
Peterson, Andrew  
Sweeney, Cynthia

**MERRIMACK**

Bouchard, Candace  
Cummings, Raymond  
Feuerstein, Martin  
Greco, Vincent  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Brewster, Richard  
Daneault, Gabriel  
Fraser, Leo Jr  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Yeaton, Charles

Clarke, Claire  
Davis, Frank  
Fraser, Marilyn  
Jacobson, Alf  
MacKay, James  
Perkins, Randy  
Rush, Deanna

Crosby, Toni  
Dunne, Christopher  
Gile, Mary  
Langer, Ray  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

**ROCKINGHAM**

Blanchard, MaryAnn  
Coes, Betsy  
Dowling, Patricia  
Kane, Cecelia  
Micklon, Stephanie

Bowles, Raimond  
Cooney, Richard  
Flanagan, Natalie  
Kelley, Jane  
Norelli, Terie

Chalbeck, Kevin  
Cox, Russell  
Gilbert, Karl  
Langley, Jane  
Nowe, Ronald

Clark, Martha Fuller  
DiFruscia, Anthony  
Johnson, Robert  
Langone, John  
Pantelakos, Laura



Robertson, Carl  
Splaine, James  
Varrell, Thomas

Ruffner, Walter  
Stone, Joseph  
Weatherspoon, Jacquelyne

Sapareto, Frank  
Stritch, C Donald  
Whittier, John

Shultis, Elizabeth  
Trueman, Raymond  
Zolla, William

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Reid, Christopher  
Spang, Judith

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Musler, George  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Burling, Peter  
Harris, Sandra

Cloutier, John  
Leone, Richard

Flint, Gordon Sr  
Phinizy, James

Harris, Joseph  
Robb, Amy

### NAYS 161

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Thomas, John

Boyce, Laurie  
Lawton, David  
Wendelboe, Fran

Czech, Stanley  
Nedeau, Stephen

Dewhirst, Glenn  
Russell, David

### CARROLL

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Patten, Betsey  
Torressen, Gary

Kenney, Joseph  
Quimby, Lee

Lyman, L Randy  
Stevens, Stanley

### CHESHIRE

Allen, Peter  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

### COOS

Gallus, John

Horton, Lynn

Rozek, Michael

Tholl, John Jr

### GRAFTON

Alger, John  
Gilman, G Michael  
Scanlan, David

Cobb, John  
Giuda, Robert  
Sova, Charles

Dudley, Terri  
Marshall, Gene  
Teschner, Douglass

Gabler, William  
Mirski, Paul

### HILLSBOROUGH

Alukonis, David  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Cote, Peter  
Fields, Dennis  
Gorman, Mary  
Holden, Randolph  
L'Heureux, Robert  
McRae, Karen  
Reeves, Sandra  
Seibel, Christopher  
Thulander, O Alan

Andosca, Mary  
Bouchard, David  
Christiansen, Lars  
Coughlin, Pamela  
Fletcher, Richard  
Greenberg, Gary  
Hopper, Gary  
Lessard, Rudy  
Mercer, Robert  
Salts, Greg  
Tahir, Saghir  
Wheeler, Robert

Balboni, Michael  
Bragdon, Peter  
Clegg, Robert Jr  
Elliott, Larry  
Furman, Christine  
Guinta, Frank  
Jean, Loren  
Martel, Andre  
Milligan, Robert  
Sargent, Maxwell  
Tate, Joan

Balcom, John  
Brundige, Robert  
Clemons, Jane  
Emerton, Lawrence Sr  
Gleneck, David  
Herman, Keith  
Kurk, Neal  
Martin, Mary Ellen  
Pepino, Leo  
Schulze, Joan  
Thompson, Rob

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Swindlehurst, John

French, Barbara  
L'Heureux, Stephen  
Whalley, Michael

Hess, David  
Poulin, David  
Whittemore, James

Hutchinson, John  
Soltani, Tony  
Winter, Steven

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Clark, Vivian	Dearborn, Bruce	Dodge, Robert
Downing, Michael	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Major, Norman	McGuire, Robert
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Packard, Sherman
Palermo, Diane	Pitts, Jacqueline	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reardon, Neil	Saia, Pamela	Welch, David	Weyler, Kenneth
Woekel, Ralph			

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Tsiros, William
Twombly, James	Woods, Phyllis		

**SULLIVAN**

Allison, David	Ferland, Brenda	Jones, Constance	Odell, Bob
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Rodeschin, Beverly  
and **HB 562-FN-A-L**, was laid on the table

**HB 761-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE** Rep. Karen K. McRae for Ways and Means: This bill would have imposed an income tax without reducing or removing the statewide property tax. Additionally, it would allow for differing property tax rates to exist between communities for the purpose of funding the state's responsibility for adequacy. It would also have let the Dept. of Revenue Administration change the rate annually with no legislative oversight. We have other bills that better address education funding. Vote 16-0.

Rep. Jacobson spoke against and yielded to questions.

Reps. Lovett and Langley spoke against.

Rep. McRae spoke in favor.

Rep. Major spoke in favor and yielded to questions.

**MOTION TO LAY ON THE TABLE**

Rep. Phinizy moved that **HB 761-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor, be laid on the table.

Rep. Herman requested a roll call; sufficiently seconded.

**YEAS 171 NAYS 190****YEAS 171****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Wood, Jane
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**CARROLL**

Philbrick, Donald	Quimby, Lee
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**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Russell, Ronald	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Pratt, Leighton			

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Williams, Burton		

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Bergin, Peter	Buckley, Raymond
Chabot, Robert	Clemons, Jane	Cote, David	Cote, Peter
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Gorman, Mary	Haley, Robert
Hall, Betty	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Kony, Christine	LaRose, Richard	Lasky, Bette
Leach, Edward	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
McHugh, Claire	Melcher, Harold	Messier, Irene	Panagopoulos, Nicholas
Peterson, Andrew	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Spiess, Paul	Sweeney, Cynthia	White, John	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Langer, Ray	Lockwood, Priscilla
Maxfield, Roy	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Flanagan, Natalie	Gleason, John	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Langley, Jane	Langone, John
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	

**STRAFFORD**

Bickford, David	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	McCarthy, Gerald	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinizy, James	Robb, Amy	

**NAYS 190****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Salatiello, Thomas
Thomas, John	Wendelboe, Fran		

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry  
Torresen, Gary

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Stevens, Stanley

**CHESHIRE**

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

Hunt, John

**COOS**

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

Rozek, Michael

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Brundige, Robert  
Christensen, D L Chris  
Coughlin, Pamela  
Elliott, Larry  
Flora, Kathleen  
Goley, Jeffrey  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McRae, Karen  
O'Connell, Timothy  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Alukonis, David  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Craig, James  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
Lefebvre, Roland  
Mercer, Robert  
Palangas, Eric  
Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Clayton, William  
Dionne, Kimberley  
Fields, Dennis  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
Milligan, Robert  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Duval, Jeffrey  
Fletcher, Richard  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Moran, Edward  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob

**MERRIMACK**

Anderson, Eric  
Hutchinson, John  
MacKay, James  
Whalley, Michael

Cummings, Raymond  
Kennedy, Richard  
Poulin, David  
Winter, Steven

Dunne, Christopher  
L'Heureux, Stephen  
Soltani, Tony

Hess, David  
Leber, William  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Chalbeck, Kevin  
Downing, Michael  
Gilbert, Karl  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

Belanger, Ronald  
Clark, Vivian  
Fesh, Bob  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Rogers  
Kobel, Rudolph  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Bridle, Russell  
Dodge, Robert  
Flanders, John Sr  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Sapareto, Frank  
Welch, David

Camm, Kevin  
Dowling, Patricia  
Francoeur, Sheila  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, Phyllis  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth



**STRAFFORD**

Albert, Russell  
Hughes, Christopher  
Twombly, James

Berube, Roger  
Musler, George  
Woods, Phyllis

Cossette, Larry  
Reid, Christopher

Harrington, Michael  
Tsiros, William

**SULLIVAN**

Odell, Bob

Rodeschin, Beverly

and the motion to lay **HB 761-FN-A-L** on the table failed.

The question being adoption of the committee report.

Rep. Mirski requested a roll call; sufficiently seconded.

**YEAS 213 NAYS 148****YEAS 213****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Rosen, Ralph  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Russell, David

Czech, Stanley  
Lawton, David  
Salatiello, Thomas

Dewhirst, Glenn  
Nedeau, Stephen  
Thomas, John

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Patten, Betsey  
Torresen, Gary

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

**COOS**

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

Rozek, Michael

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Brundige, Robert  
Carlson, Donald  
Clegg, Robert Jr  
Craig, James  
Elliott, Larry  
Flora, Kathleen  
Golding, William  
Graham, John  
Hall, Charles  
Jean, Loren  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Panagopoulos, Nicholas  
Reeves, Sandra

Alukonis, David  
Bergeron, Jean-Guy  
Bruno, Pierre  
Chabot, Robert  
Clemons, Jane  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Foster, Linda  
Goley, Jeffrey  
Greenberg, Gary  
Herman, Keith  
Kacavas, John  
LaRose, Richard  
Martin, Mary Ellen  
Moran, Edward  
Pappas, Marc  
Rowe, Robert

Artz, Lawrence  
Bouchard, David  
Buckley, Raymond  
Christensen, D L Chris  
Cote, David  
Dokmo, Cynthia  
Fields, Dennis  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Holden, Randolph  
Kurk, Neal  
Lefebvre, Roland  
McRae, Karen  
O'Connell, Timothy  
Pepino, Leo  
Salts, Greg

Balboni, Michael  
Bragdon, Peter  
Calawa, Leon Jr  
Christiansen, Lars  
Coughlin, Pamela  
Duval, Jeffrey  
Fletcher, Richard  
Gleneck, David  
Gorman, Mary  
Haley, Robert  
Hopper, Gary  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Palangas, Eric  
Peterson, Andrew  
Sargent, Maxwell

Schulze, Joan  
Tate, Joan  
Wheeler, Robert

Shaw, Barbara  
Thompson, Rob

Souza, Kathleen  
Thulander, O Alan

Tahir, Saghir  
Vaillancourt, Steve

## MERRIMACK

Anderson, Eric  
Hutchinson, John  
Leber, William  
Swindlehurst, John

Dunne, Christopher  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Fraser, Leo Jr  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Hess, David  
Langer, Ray  
Soltani, Tony

## ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Dodge, Robert  
Flanagan, Natalie  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Rogers  
Kobel, Rudolph  
Micklon, Stephanie  
Packard, Sherman  
Putnam, Ed II  
Reardon, Neil  
Stone, Joseph  
Welch, David

Belanger, Ronald  
Chalbeck, Kevin  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Moore, Benjamin  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Weyler, Kenneth

Bishop, Franklin  
Clark, Vivian  
Downing, Michael  
Francoeur, Sheila  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, Phyllis  
McGuire, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Trueman, Raymond  
Woekel, Ralph

Bridle, Russell  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Karl  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

## STRAFFORD

Albert, Russell  
Harrington, Michael  
Twombly, James

Berube, Roger  
Musler, George  
Woods, Phyllis

Cossette, Larry  
Reid, Christopher

Dunlap, Patricia  
Tsiros, William

## SULLIVAN

Jones, Constance

Odell, Bob

Rodeschin, Beverly

## NAYS 148

## BELKNAP

Johnson, William  
Wood, Jane

Millham, Alida

Pilliod, James

Rice, Thomas Jr

## CARROLL

## CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

Avery, Stephen  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meader, David  
Russell, Ronald

## COOS

Bradley, Paula  
Pratt, Leighton

Davis, Perley

Landers, Dana

Mears, Edgar

## GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Williams, Burton

Cooney, Mary  
Nordgren, Sharon

Ham, Bonnie  
Pawlek, Marion

## HILLSBOROUGH

Andosca, Mary  
Cote, Peter

Arnold, Thomas Jr  
Daigle, Robert

Bergin, Peter  
Drabinowicz, A Theresa

Clayton, William  
Drisko, Richard

Dwyer, Paul  
Ginsburg, Ruth  
Keye, Harvey  
Leishman, Peter  
Messier, Irene  
White, John

Dyer, Merton  
Hall, Betty  
Konys, Christine  
Lynde, Harold  
Seibel, Christopher  
Williams, Carol

Eaton, Richard  
Jean, Claudette  
Lasky, Bette  
McHugh, Claire  
Spiess, Paul

Gargas, Carolyn  
Johnson, Lionel  
Leach, Edward  
Melcher, Harold  
Sweeney, Cynthia

### MERRIMACK

Bouchard, Candace  
Cummings, Raymond  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Brewster, Richard  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Clarke, Claire  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Crosby, Toni  
Feuerstein, Martin  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

### ROCKINGHAM

Blanchard, MaryAnn  
Cooney, Richard  
Johnson, Robert  
Langone, John  
Robertson, Carl  
Whittier, John

Bowles, Raimond  
Cox, Russell  
Kane, Cecelia  
Norelli, Terie  
Shultis, Elizabeth  
Clark, Martha Fuller  
Dearborn, Bruce  
Kelley, Jane  
Pantelakos, Laura  
Splaine, James

Coes, Betsy  
Gleason, John  
Langley, Jane  
Pitts, Jacqueline  
Weatherspoon, Jacquelyne

### STRAFFORD

Bickford, David  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Spang, Judith

Callaghan, Frank  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Phinizy, James

Burling, Peter  
Harris, Joseph  
Robb, Amy

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Leone, Richard

and the committee report was adopted.

### REGULAR CALENDAR

**HB 320-FN**, relative to leasing certain portions of railroad properties. **OUGHT TO PASS WITH AMENDMENT**

Rep. Guida for Ways and Means: The committee voted unanimously to pass the amended HB 320. This bill accomplishes both an administrative cleanup of existing railroad tax law, and simplifies the process of taxation for those railroads designated as amusement railroads. It also applies railroad tax law to categories rather than specific named entities, removing the need for and act of the Legislature to add or delete railroads to the amusement railroad list. Vote 16-0.

#### Amendment (0923h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

Amend the bill by replacing all after section 1 with the following:

2 Definition; Amusement Railroad. Amend RSA 82:1 to read as follows:

**821 Definitions. In this chapter:**

**I.** The word "company" as used in RSA 82:2 shall apply to all persons, co-partnerships or associations.

**II.** The term "express corporation or company" shall be construed to mean any corporation or company engaged in the business of transporting property as express over the lines of railroads.

**III.** The term "amusement railroad" means a railroad operating as a tourist, scenic, or historic operation, which provides train rides solely for one or more such purposes.

3 New Section; Amusement Railroads. Amend RSA 82 by inserting after section 25 the following new section:

82:25-a Amusement Railroads. The property of amusement railroads shall be appraised and taxed pursuant to the provisions of RSA 72, and shall not be subject to the provisions of this chapter.

4 Effective Date.

I. Section 1 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill restricts eligibility for certain leases of state-owned railroad properties, and increases the cost of such leases from \$5 to \$10 per running foot per year. This bill also defines amusement railroads and provides for their taxation.

Adopted.

Report adopted and ordered to third reading.

**HB 375**, making technical corrections in the tax laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert Giuda for the Majority of Ways and Means: HB 375, as amended, addresses our anticipated budget deficit with appropriate funding sources. With this proposal the Ways and Means Committee has recognized and responded to the specific concerns expressed by House members about some of the elements included in HB 50, including the unconstitutionality of some provisions. This bill establishes a permanent and durable funding solution for the state's general and education fund obligations by balancing the budget without implementing a new broad-based tax. It does not enact any radical and risky new taxes that are difficult or nearly impossible to predict. Rather, this proposal works largely within our current tax structure, which is easy to forecast. In short, the bill raises approximately \$195 million for the 2002-2003 biennium (\$105 million in FY '02 and \$90 million in FY '03).

This revenue is generated by two sources. The first, and largest (\$80 million in FY '02 and \$65 million in FY '03), adjusts our current business taxes by eliminating the credit that businesses can take by applying their Business Enterprise Taxes (BET) paid as a credit against their Business Profits Tax (BPT) obligations. This proposal affects only a small percentage of the 60,000 business tax filers in the state.

The second source of revenues involves increasing the existing Electricity Consumption Tax (RSA 83-E) from a rate of \$.00055 per kilowatt hour to \$.0031 per kilowatt hour. There is no change to an existing circuit breaker for low-income users through the Systems Benefit Charge for those consumers earning up to 150% of the federal poverty level. The Public Utilities Commission has estimated that the monthly tax on an average home in the state would be \$1.50 per month. This will generate \$25 million per year.

While funding the anticipated deficit, HB 375 also lowers the statewide education property tax from \$6.60 to \$6.30 and funds \$50 million in property tax relief. A significant property tax hardship relief program is included in the bill and is funded with \$14 million in each year of the biennium. This hardship relief program would allow for relief of up to 100% of the statewide property tax, which would otherwise be paid on a home with an equalized, assessed value of up to \$150,000. Unlike other plans, this hardship relief program takes effect immediately, in 2002, and is not delayed. Additionally, unlike the current property tax hardship program, this proposal will allow families throughout the state, in donor and receiver towns alike, to seek relief if they meet the eligibility requirements. Additional property tax relief is generated with the dedication of \$22 million, which is devoted to reducing the statewide property tax rate in all the communities throughout the state. As amended, HB 375 is a responsible, reliable, and sustainable plan to balance our budget. Vote 11-7.

Rep. Christine M. Konys for the Minority of Ways and Means: The minority of the committee believes that House Bill 375 has several serious defects. By both repealing the BET credit against the BPT, and raising electric rates for all customers, this bill effectively raises business taxes by 25%. We received a great deal of testimony from the business community that passage of this bill means New Hampshire will have one of, if not the highest, effective business taxes in the nation.



If this bill passes, it will have a negative impact on economic growth, and will result in increased costs being passed on to consumers in areas such as bank loans and insurance rates. Additionally, the constitutionality of this bill was questioned by several of those who testified, and will be immediately challenged in court. House Bill 375 also raises the tax on residential and business electricity consumption just after the tax is actually imposed on customers, and just as we are about to receive much-needed relief from the second highest electric rates in the country. House Bill 375 represents another inadequate, short-term fix rather than a viable, durable and constitutional solution to the problem of funding an adequate education for all our children.

#### Amendment (1054h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to sources of funding an adequate education.

Amend the bill by replacing all after the enacting clause with the following:

1 Education Property Tax Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$6.60]~~ **\$6.30** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

2 Electricity Consumption Tax. Amend RSA 83-E:2 to read as follows:

83-E:2 Imposition of Tax. A tax is imposed on the consumption in this state of electrical energy at the rate of ~~[\$.00055]~~ **\$.0031** per kilowatt hour.

3 New Subdivision; Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198 by inserting after section 55 the following new subdivision:

Low and Moderate Income Homeowners Property Tax Relief

198:56 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and used as the claimant's principal place of residence and the claimant's domicile for purposed of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph, the term "owned" includes:

(a) A vendee in possession under a land contract;

(b) One or more joint tenants or tenants in common; or

(c) A person who has equitable title, or the beneficial interest for life in the homestead.

III. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any member of the claimant's household who resides in the homestead for which a claim is made. "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

IV. "Tax relief" means the low and moderate income homeowners property tax relief provided in this subdivision.

V. "New Hampshire household" means any person filing a federal income tax return as head of household or 2 or more adults who jointly share the benefit of the homestead. "New Hampshire household" shall not include those adults who share the homestead under a landlord-tenant relationship.

VI. "Dependent" means a person residing in a homestead who is claimed as a dependent for federal income tax purposes.

198:57 Low and Moderate Income Homeowners Property Tax Relief

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted tax relief following the effective date of this act.

II. Residents shall apply to the department of revenue administration for such tax relief.

III. An eligible tax relief claimant is a person who:

(a) Owns a homestead or interest in a homestead subject to the education property tax;

(b) Resided in such homestead on April 1 of the year for which the claim is made, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile; and

(c) Realizes total household income of:

(1) \$20,000 or less if a single person;

(2) \$40,000 or less if a head of a New Hampshire household with a dependent or dependents, or if a married person.

IV. All or a portion of an eligible tax relief claimant's education property taxes, RSA 76:3, shall be rebated as follows:

(a) Multiply the total local assessed value of the claimant's property by the percentage of such property that qualifies as the claimant's homestead;

(b) Multiply the product determined in subparagraph (a) by the current education property tax rate;

(c) Multiply \$150,000 by the current education property tax rate;

(d) Multiply either the product of the calculation in subparagraph (b) or (c), whichever is less, by the following percentage as applicable to determine the amount of tax relief available to the claimant:

(1) If a single person and total household income is:

(A) less than \$12,500, 100 percent;

(B) \$12,500 but less than \$15,000, 85 percent;

(C) \$15,000 but less than \$17,500, 65 percent; or

(D) \$17,500 but less than or equal to \$20,000, 50 percent.

(2) If a head of a New Hampshire household or a married person and total household income is:

(A) less than \$25,000, 100 percent;

(B) \$25,000 but less than \$30,000, 85 percent;

(C) \$30,000 but less than \$35,000, 65 percent; or

(D) \$35,000 but less than or equal to \$40,000, 50 percent.

(e) The amount determined by subparagraph (d) is the allowable tax relief in any year.

V. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, tax relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

VI. Claims for tax relief shall be filed with the department of revenue administration between May 1 and June 30 following the due date of the education property taxes.

VII. Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the corresponding tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the immediately prior tax period, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

VIII. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

198:58 Rulemaking; Forms; Notice.

I. The commissioner shall adopt rules, under RSA 541-A, relative to the administration of excess tax payments and the tax relief provisions of this subdivision.

II. The commissioner shall approve and provide forms relative to the administration of this subdivision.

III. Claim forms shall include the following:

(a) Instructions on completing and filing the form;

(b) Sections for information concerning the claimant, the claimant's household, the property for which tax relief is sought, and such other information as is reasonably necessary to determine the accuracy of the claim;

(c) Instructions on appeal procedure and time limits relative to such appeals; and

(d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

IV. The commissioner shall publicize notice of the tax relief provisions in a suitable manner. 198:59 Penalties; Assessment of Erroneous Claims.

I. Any person who files a claim for tax relief under this subdivision with fraudulent intent and any person who assisted in the preparation or filing of the claim or supplied information upon which the claim was prepared shall be guilty of a misdemeanor.

II. The commissioner may assess and collect the amount of any sums granted for property tax relief relative to a fraudulent or erroneously paid claim for tax relief including interest provided under RSA 21-J:28 and an additional penalty of 25 percent for the erroneous amount of such claim or an additional penalty of the greater of 25 percent or \$1,000 for a fraudulent claim.

#### 198:60 Appeals.

I. Whenever the commissioner refuses to grant a claimant a tax relief claim, the claimant may appeal in writing within 30 days of notice of such refusal to the board of tax and land appeals.

II. When a taxpayer appeals the commissioner's refusal of a claim to the board of tax and land appeals, the board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the board finds the commissioner's action to be arbitrary or unreasonable.

198:61 Refund of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

4 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax is 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

5 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

I. Section 5 of this act shall take effect July 1, ~~2001~~ 2003.

6 Repeal. The following are repealed:

I. RSA 77-A:5, X, relative to the business enterprise tax credit against the business profits tax.

II. RSA 77-E:13, relative to application for the business enterprise tax credit against the business profits tax.

III. RSA 198:50 through 198:55, relative to education property tax hardship relief.

IV. 1999, 338:22, II, relative to the repeal of education property tax hardship relief.

V. RSA 83-E:4, III, relative to an exemption from the electricity consumption tax for municipal providers.

VI. 1997, 347:5, II, relative to the prospective repeal of the electricity consumption tax.

VII. 1997, 347:7, I, relative to the effective date of 1997, 347:5, II.

7 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

8 Effective Date.

I. Section 1 of this act shall take effect upon its passage, and shall apply to property taxes due for the tax year beginning April 1, 2002.

II. Sections 2-5 and III-VII of section 6 of this act shall take effect July 1, 2001.

III. Paragraphs I and II of section 6 of this act shall take effect July 1, 2001 and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2001. In the case of any business organization or enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 2001, the taxable period shall be deemed to have ended on June 30, 2001, for the purposes of this act.

IV. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Reduces the rate of the education property tax.

II. Increases the rate of the electricity consumption tax and removes an exemption for municipal providers.

III. Establishes a low and moderate income homeowners property tax relief program.

IV. Extends the temporary rate of the communications services tax.

V. Repeals certain business tax credits.

Reps. Leach, McGuirk, Vaillancourt, Cox and Spiess spoke against.

Reps. Alukonis, Hill and Whalley spoke in favor.

Rep. Vaillancourt asked if the amendment was divisible. The Speaker ruled that the question was divisible.

Rep. Vaillancourt requested that Section 2 be divided. The Speaker ruled that without objection Section 2 would be divided.

Rep. Bergin objected to the division of the question.

Rep. Vaillancourt moved that Section 2 be divided.

Rep. Herman requested a roll call; sufficiently seconded.

The question now being the motion to divide the question.

## YEAS 20 NAYS 338

### YEAS 20

#### BELKNAP

Dexter, Judson

#### CARROLL

None

#### CHESHIRE

None

#### COOS

Guay, Lawrence

Pratt, Leighton

#### GRAFTON

None

#### HILLSBOROUGH

Arnold, Thomas Jr  
Moran, Edward

Eaton, Richard  
Vaillancourt, Steve

Graham, John

LaFlamme, Paul

#### MERRIMACK

Jacobson, Alf

Kennedy, Richard

#### ROCKINGHAM

DiFruscia, Anthony  
Priestley, Anne

Gleason, John  
Robertson, Carl

Hutchinson, Karen

Katsakiores, George

#### STRAFFORD

Bickford, David

Gilmore, Gary

Heon, Richard

#### SULLIVAN

None

## NAYS 338

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Millham, Alida  
Rosen, Ralph  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Nedeau, Stephen  
Russell, David  
Wood, Jane

Czech, Stanley  
Johnson, William  
Pilliod, James  
Salatiello, Thomas

Dewhirst, Glenn  
Lawton, David  
Rice, Thomas Jr  
Thomas, John

#### CARROLL

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Patten, Betsey  
Torressen, Gary

Kenney, Joseph  
Quimby, Lee

#### CHESHIRE

Allen, Peter  
Edwards, Dana

Avery, Stephen  
Emerson, Susan

Batchelder, Robert  
Espieles, Peter

Burnham, Daniel  
Fairbanks, Chandler



Hunt, John  
Mitchell, McKim  
Royce, H Charles  
Zerba, Roger

Manning, Joseph  
Pratt, John  
Russell, Ronald

McGuirk, Paul  
Richardson, Barbara  
Smith, Edwin

Meador, David  
Roberts, William  
Weed, Charles

## COOS

Bradley, Paula  
Landers, Dana  
Tholl, John Jr

Davis, Perley  
Mears, Edgar

Gallus, John  
Rozek, Michael

Horton, Lynn  
Stohl, Eric

## GRAFTON

Akins, Ralph  
Cobb, John  
Gabler, William  
Lovett, Sid  
Nordgren, Sharon  
Sova, Charles

Alger, John  
Cooney, Mary  
Gilman, G Michael  
Marshall, Gene  
Pawlek, Marion  
Teschner, Douglass

Almy, Susan  
Dudley, Terri  
Giuda, Robert  
Mirski, Paul  
Scanlan, David  
Ward, Brien

Benn, Bernard  
Eaton, Stephanie  
Ham, Bonnie  
Naro, Debra  
Scovner, Nancy  
Williams, Burton

## HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bergin, Peter  
Bruno, Pierre  
Chabot, Robert  
Clegg, Robert Jr  
Coughlin, Pamela  
Dokmo, Cynthia  
Dwyer, Paul  
Fields, Dennis  
Gargas, Carolyn  
Goley, Jeffrey  
Guinta, Frank  
Herman, Keith  
Jean, Loren  
Konys, Christine  
Lasky, Bette  
Lessard, Rudy  
McRae, Karen  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Seibel, Christopher  
Sweeney, Cynthia  
Thulander, O Alan

Alukonis, David  
Balcom, John  
Bouchard, David  
Buckley, Raymond  
Christensen, D L Chris  
Clemons, Jane  
Craig, James  
Drabinowicz, A Theresa  
Dyer, Merton  
Fletcher, Richard  
Ginsburg, Ruth  
Gonzalez, Carlos  
Haley, Robert  
Holden, Randolph  
Johnson, Lionel  
Kurk, Neal  
Leach, Edward  
Lynde, Harold  
Melcher, Harold  
O'Connell, Timothy  
Pepino, Leo  
Salts, Greg  
Shaw, Barbara  
Tahir, Saghir  
Wheeler, Robert

Andosca, Mary  
Baroody, Benjamin  
Bragdon, Peter  
Calawa, Leon Jr  
Christiansen, Lars  
Cote, David  
Daigle, Robert  
Drisko, Richard  
Elliott, Larry  
Flora, Kathleen  
Gleneck, David  
Gorman, Mary  
Hall, Betty  
Hopper, Gary  
Kacavas, John  
L'Heureux, Robert  
Lefebvre, Roland  
Martel, Andre  
Mercer, Robert  
Palangas, Eric  
Peterson, Andrew  
Sargent, Maxwell  
Souza, Kathleen  
Tate, Joan  
White, John

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Carlson, Donald  
Clayton, William  
Cote, Peter  
Dionne, Kimberley  
Duval, Jeffrey  
Emerton, Lawrence Sr  
Foster, Linda  
Golding, William  
Greenberg, Gary  
Hall, Charles  
Jean, Claudette  
Keye, Harvey  
LaRose, Richard  
Leishman, Peter  
Martin, Mary Ellen  
Messier, Irene  
Panagopoulos, Nicholas  
Reeves, Sandra  
Schulze, Joan  
Spiess, Paul  
Thompson, Rob  
Williams, Carol

## MERRIMACK

Anderson, Eric  
Crosby, Toni  
Dunne, Christopher  
French, Barbara  
Hess, David  
Leber, William  
Moore, Carol  
Poulin, David  
Seldin, Gloria  
Whalley, Michael

Bouchard, Candace  
Cummings, Raymond  
Feuerstein, Martin  
Gile, Mary  
Hutchinson, John  
Lockwood, Priscilla  
Owen, Derek  
Reardon, Tara  
Soltani, Tony  
Whittemore, James

Brewster, Richard  
Daneault, Gabriel  
Fraser, Leo Jr  
Greco, Vincent  
L'Heureux, Stephen  
MacKay, James  
Perkins, Randy  
Rodd, Beth  
Swindlehurst, John  
Winter, Steven

Clarke, Claire  
Davis, Frank  
Fraser, Marilyn  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Potter, Frances  
Rush, Deanna  
Wallner, Mary Jane  
Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Bridle, Russell	Camm, Kevin	Chalbeck, Kevin
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Cox, Russell	Dearborn, Bruce	Dodge, Robert	Dowling, Patricia
Downing, Michael	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Kane, Cecelia
Katsakiores, Phyllis	Kelley, Jane	Kelley, William	Kobel, Rudolph
Langley, Jane	Langone, John	Major, Norman	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reardon, Neil
Ruffner, Walter	Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Stone, Joseph	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth
Whittier, John	Woekel, Ralph	Zola, William	

**STRAFFORD**

Albert, Russell	Berube, Roger	Brennan, William	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Goodwin, Earle	Grassie, Anne	Harrington, Michael	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Tsiros, William	Twombly, James
Wall, Janet	Woodill, Rodney	Woods, Phyllis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Odell, Bob	Phinizy, James	Robb, Amy

Rodeschin, Beverly

and the motion failed.

The question now being adoption of the majority amendment.

Rep. Herman requested a roll call; sufficiently seconded.

**YEAS 174 NAYS 185**

**YEAS 174****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Stevens, Stanley
Sullivan, P Judith	Torressen, Gary		

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin			

**COOS**

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Chabot, Robert  
Coughlin, Pamela  
Fields, Dennis  
Golding, William  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard  
Milligan, Robert  
Reeves, Sandra  
Tahir, Saghir  
Wheeler, Robert

Alukonis, David  
Balcom, John  
Brundige, Robert  
Christensen, D L Chris  
Dionne, Kimberley  
Fletcher, Richard  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
Lessard, Rudy  
Moran, Edward  
Salts, Greg  
Tate, Joan

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christiansen, Lars  
Elliott, Larry  
Flora, Kathleen  
Graham, John  
Herman, Keith  
Kurk, Neal  
Martel, Andre  
Pappas, Marc  
Sargent, Maxwell  
Thompson, Rob

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Clegg, Robert Jr  
Emerton, Lawrence Sr  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
McRae, Karen  
Pepino, Leo  
Souza, Kathleen  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Dunne, Christopher  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Hess, David  
Langer, Ray  
Soltani, Tony

Hutchinson, John  
Leber, William  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Chalbeck, Kevin  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, Phyllis  
Morse, Charles  
Power, Lucille  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Belanger, Ronald  
Clark, Vivian  
Flanagan, Natalie  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, Jane  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Zolla, William

Bridle, Russell  
Dodge, Robert  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas

Camm, Kevin  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
McKinney, Betsy  
Palermo, Diane  
Quandt, Matthew  
Sapareto, Frank  
Welch, David

**STRAFFORD**

Albert, Russell  
Musler, George

Bickford, David  
Tsiros, William

Cossette, Larry  
Twombly, James

Harrington, Michael  
Woods, Phyllis

**SULLIVAN**

Odell, Bob

Rodeschin, Beverly

**NAYS 185****BELKNAP**

Flanders, Donald  
Salatiello, Thomas

Johnson, William  
Wood, Jane

Millham, Alida

Pilliod, James

**CARROLL**

Quimby, Lee

**CHESHIRE**

Allen, Peter  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meader, David  
Russell, Ronald

Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

**COOS**

Bradley, Paula

Davis, Perley

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Ward, Brien

Cooney, Mary  
Nordgren, Sharon  
Williams, Burton

Ham, Bonnie  
Pawlek, Marion

**HILLSBOROUGH**

Andosca, Mary  
Carlson, Donald  
Cote, Peter  
Drabinowicz, A Theresa  
Dyer, Merton  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Leach, Edward  
Martin, Mary Ellen  
O'Connell, Timothy  
Rowe, Robert  
Spiess, Paul  
Williams, Carol

Baroody, Benjamin  
Clayton, William  
Craig, James  
Drisko, Richard  
Eaton, Richard  
Goley, Jeffrey  
Jean, Claudette  
Kony, Christine  
Lefebvre, Roland  
Melcher, Harold  
Palangas, Eric  
Schulze, Joan  
Sweeney, Cynthia

Bergin, Peter  
Clemons, Jane  
Daigle, Robert  
Duval, Jeffrey  
Foster, Linda  
Gorman, Mary  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
Mercer, Robert  
Panagopoulos, Nicholas  
Seibel, Christopher  
Vaillancourt, Steve

Buckley, Raymond  
Cote, David  
Dokmo, Cynthia  
Dwyer, Paul  
Gargasz, Carolyn  
Haley, Robert  
Kacavas, John  
Lasky, Bette  
Lynde, Harold  
Messier, Irene  
Peterson, Andrew  
Shaw, Barbara  
White, John

**MERRIMACK**

Bouchard, Candace  
Cummings, Raymond  
Fraser, Leo Jr  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whitemore, James

Crosby, Toni  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

**ROCKINGHAM**

Bishop, Franklin  
Coes, Betsy  
DiFruscia, Anthony  
Kelley, William  
McGuire, Robert  
Pantelakos, Laura  
Saia, Pamela  
Weatherspoon, Jacquelyne

Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Whittier, John

Bowles, Raimond  
Cox, Russell  
Johnson, Robert  
Langley, Jane  
Moore, Benjamin  
Priestley, Anne  
Splaine, James  
Woekel, Ralph

Clark, Martha Fuller  
Dearborn, Bruce  
Kane, Cecelia  
Langone, John  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida

Brennan, William  
Estabrook, Iris  
Heon, Richard  
Knowles, William

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald



Pelletier, Arthur  
Rollo, Michael  
Taylor, Kathleen

Pelletier, Marsha  
Smith, Marjorie  
Wall, Janet

Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

Reid, Christopher  
Spang, Judith

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Phinizz, James

Cloutier, John  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance

and the majority amendment failed.

Rep. Vaillancourt offered a floor amendment (1081h).

### Floor Amendment (1081h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to sources of funding an adequate education.

Amend the bill by replacing all after the enacting clause with the following:

1 Education Property Tax Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$6.60~~] \$6.30 on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

2 Rate of Meals and Rooms Tax Increased. Amend RSA 78-A:6 to read as follows:

78-A:6 Imposition of Tax.

I. A tax of [8] 9 percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

(a) [~~Three~~] Four cents for a charge between \$.36 and \$.37 inclusive;

(b) [~~Four~~] Five cents for a charge between \$.38 and \$.50 inclusive;

(c) [~~Five~~] Six cents for a charge between \$.51 and \$.62 inclusive;

(d) [~~Six~~] Seven cents for a charge between \$.63 and \$.75 inclusive;

(e) [~~Seven~~] Eight cents for a charge between \$.76 and \$.87 inclusive;

(f) [~~Eight~~] Nine cents for a charge between \$.88 and \$1.00 inclusive;

(g) [~~Eight~~] Nine percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

II-a. A tax of [8] 9 percent is imposed upon the gross rental receipts of each rental.

III. The operator shall collect the taxes imposed by this section and shall pay them over to the state as provided in this chapter, *except as provided in paragraph IV of this section.*

*IV. Tax revenues collected in excess of revenues which would have been collected based on the tax rate which was in effect on June 30, 2001 shall be paid to the state treasurer for deposit to the general fund.*

3 Disposition of Meals and Rooms Tax Revenues. Amend RSA 78-A:26, I to read as follows:

1. Beginning on July 1, 1995, and for each fiscal year thereafter, the department shall pay over all revenue, except revenues identified in paragraph III of this section *and in RSA 78-A:6, IV*, collected under this chapter to the state treasurer. On or before October 1 of each year, the department shall determine the cost of administration of this chapter for the fiscal year ending on the preceding June 30, and it shall notify the state treasurer of these costs by a report certified by them as to correctness. After deducting the cost of administration of the chapter from the total income, the state treasurer shall distribute the net income as follows:

4 New Subdivision; Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198 by inserting after section 55 the following new subdivision:

Low and Moderate Income Homeowners Property Tax Relief

198:56 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph, the term "owned" includes:

- (a) A vendee in possession under a land contract;
- (b) One or more joint tenants or tenants in common; or
- (c) A person who has equitable title, or the beneficial interest for life in the homestead.

III. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any member of the claimant's household who resides in the homestead for which a claim is made. "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

IV. "Tax relief" means the low and moderate income homeowners property tax relief provided in this subdivision.

V. "New Hampshire household" means any person filing a federal income tax return as head of household or 2 or more adults who jointly share the benefit of the homestead. "New Hampshire household" shall not include those adults who share the homestead under a landlord-tenant relationship.

VI. "Dependent" means a person residing in a homestead who is claimed as a dependent for federal income tax purposes.

#### 198:57 Low and Moderate Income Homeowners Property Tax Relief

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted tax relief following the effective date of this act.

II. Residents shall apply to the department of revenue administration for such tax relief.

III. An eligible tax relief claimant is a person who:

- (a) Owns a homestead or interest in a homestead subject to the education property tax;
- (b) Resided in such homestead on April 1 of the year for which the claim is made, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile; and
- (c) Realizes total household income of:

(1) \$20,000 or less if a single person;

(2) \$40,000 or less if a head of a New Hampshire household with a dependent or dependents, or if a married person.

IV. All or a portion of an eligible tax relief claimant's education property taxes, RSA 76:3, shall be rebated as follows:

(a) Multiply the total local assessed value of the claimant's property by the percentage of such property that qualifies as the claimant's homestead;

(b) Multiply the product determined in subparagraph (a) by the current education property tax rate;

(c) Multiply \$150,000 by the current education property tax rate;

(d) Multiply either the product of the calculation in subparagraph (b) or (c), whichever is less, by the following percentage as applicable to determine the amount of tax relief available to the claimant:

(1) If a single person and total household income is:

(A) less than \$12,500, 100 percent;

(B) \$12,500 but less than \$15,000, 85 percent;

(C) \$15,000 but less than \$17,500, 65 percent; or

(D) \$17,500 but less than or equal to \$20,000, 50 percent.

(2) If a head of a New Hampshire household or a married person and total household income is:

(A) less than \$25,000, 100 percent;

(B) \$25,000 but less than \$30,000, 85 percent;

(C) \$30,000 but less than \$35,000, 65 percent; or

(D) \$35,000 but less than or equal to \$40,000, 50 percent.

(e) The amount determined by subparagraph (d) is the allowable tax relief in any year.

V. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, tax relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

VI. Claims for tax relief shall be filed with the department of revenue administration between May 1 and June 30 following the due date of the education property taxes.

VII. Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the corresponding tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the immediately prior tax period, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

VIII. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

198:58 Rulemaking; Forms; Notice.

I. The commissioner shall adopt rules, under RSA 541-A, relative to the administration of excess tax payments and the tax relief provisions of this subdivision.

II. The commissioner shall approve and provide forms relative to the administration of this subdivision.

III. Claim forms shall include the following:

(a) Instructions on completing and filing the form;

(b) Sections for information concerning the claimant, the claimant's household, the property for which tax relief is sought, and such other information as is reasonably necessary to determine the accuracy of the claim;

(c) Instructions on appeal procedure and time limits relative to such appeals; and

(d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

IV. The commissioner shall publicize notice of the tax relief provisions in a suitable manner.

198:59 Penalties; Assessment of Erroneous Claims.

I. Any person who files a claim for tax relief under this subdivision with fraudulent intent and any person who assisted in the preparation or filing of the claim or supplied information upon which the claim was prepared shall be guilty of a misdemeanor.

II. The commissioner may assess and collect the amount of any sums granted for property tax relief relative to a fraudulent or erroneously paid claim for tax relief including interest provided under RSA 21-J:28 and an additional penalty of 25 percent for the erroneous amount of such claim or an additional penalty of the greater of 25 percent or \$1,000 for a fraudulent claim.

198:60 Appeals.

I. Whenever the commissioner refuses to grant a claimant a tax relief claim, the claimant may appeal in writing within 30 days of notice of such refusal to the board of tax and land appeals.

II. When a taxpayer appeals the commissioner's refusal of a claim to the board of tax and land appeals, the board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the board finds the commissioner's action to be arbitrary or unreasonable.

198:61 Refund of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

5 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax is 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

6 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

I. Section 5 of this act shall take effect July 1, [2001] 2003.

7 Repeal. The following are repealed:

I. RSA 77-A:5, X, relative to the business enterprise tax credit against the business profits tax.

II. RSA 77-E:13, relative to application for the business enterprise tax credit against the business profits tax.

- III. RSA 198:50 through 198:55, relative to education property tax hardship relief.
- IV. 1999, 338:22, II, relative to the repeal of education property tax hardship relief.
- 8 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.
- 9 Effective Date.
  - I. Section 1 of this act shall take effect upon its passage, and shall apply to property taxes due for the tax year beginning April 1, 2002.
  - II. Sections 2-6 and paragraphs III-IV of section 7 of this act shall take effect July 1, 2001.
  - III. Paragraphs I and II of section 7 of this act shall take effect July 1, 2001 and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2001. In the case of any business organization or enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 2001, the taxable period shall be deemed to have ended on June 30, 2001, for the purposes of this act.
  - IV. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

- This bill:
- I. Reduces the rate of the education property tax.
  - II. Increases the rate of the meals and rooms tax and dedicates the increased revenue to the general fund.
  - III. Establishes a low and moderate income homeowners property tax relief program.
  - IV. Extends the temporary rate of the communications services tax.
  - V. Repeals certain business tax credits.
- Reps. Vaillancourt, Bickford and Herman spoke in favor.  
A roll call was requested; sufficiently seconded.  
The question being adoption of floor amendment (1081h).

YEAS 179 NAYS 181

YEAS 179

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedean, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Quimby, Lee	Stevens, Stanley
Torressen, Gary			

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin			

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	

GRAFTON

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass			



**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Bergeron, Jean-Guy	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Furman, Christine	Gleneck, David	Golding, William	Gonzalez, Carlos
Graham, John	Greenberg, Gary	Hall, Charles	Herman, Keith
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lessard, Rudy	Martel, Andre
McHugh, Claire	McRae, Karen	Milligan, Robert	Moran, Edward
Pappas, Marc	Reeves, Sandra	Salts, Greg	Sargent, Maxwell
Souza, Kathleen	Tahir, Saghir	Tate, Joan	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	

**MERRIMACK**

Anderson, Eric	Dunne, Christopher	Hess, David	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
MacKay, James	Poulin, David	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Chalbeck, Kevin	Clark, Vivian	DiFruscia, Anthony
Dodge, Robert	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Alhert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Major, Norman
McKinney, Betsy	Morse, Charles	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reardon, Neil
Ruffner, Walter	Sapareto, Frank	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Hughes, Christopher	Musler, George	Twombly, James	Woods, Phyllis

**SULLIVAN**

Odell, Bob	Rodeschin, Beverly
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**NAYS 181****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Dickinson, Howard	Sullivan, P Judith
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula

Davis, Perley

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan

Benn, Bernard

Cooney, Mary

Ham, Bonnie

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Ward, Brien

Williams, Burton

**HILLSBOROUGH**

Andosca, Mary

Baroody, Benjamin

Bergin, Peter

Buckley, Raymond

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Duval, Jeffrey

Dwyer, Paul

Dyer, Merton

Eaton, Richard

Foster, Linda

Gargas, Carolyn

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Guinta, Frank

Haley, Robert

Hall, Betty

Holden, Randolph

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Konys, Christine

Lasky, Bette

Leach, Edward

Lefebvre, Roland

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

Melcher, Harold

Mercer, Robert

Messier, Irene

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Pepino, Leo

Peterson, Andrew

Rowe, Robert

Schulze, Joan

Seibel, Christopher

Shaw, Barbara

Spiess, Paul

Sweeney, Cynthia

White, John

**MERRIMACK**

Bouchard, Candace

Brewster, Richard

Clarke, Claire

Crosby, Toni

Cummings, Raymond

Daneault, Gabriel

Davis, Frank

Feuerstein, Martin

Fraser, Leo Jr

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent

Hager, Elizabeth

Jacobson, Alf

Lockwood, Priscilla

Maxfield, Roy

Moore, Carol

Owen, Derek

Perkins, Randy

Potter, Frances

Reardon, Tara

Rodd, Beth

Rush, Deanna

Seldin, Gloria

Wallner, Mary Jane

Whitemore, James

Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn

Bowles, Raimond

Clark, Martha Fuller

Coes, Betsy

Cooney, Richard

Cox, Russell

Dearborn, Bruce

Downing, Michael

Johnson, Robert

Kane, Cecelia

Kelley, William

Kobel, Rudolph

Langley, Jane

Langone, John

McGuire, Robert

Micklon, Stephanie

Moore, Benjamin

Norelli, Terie

Pantelakos, Laura

Pitts, Jacqueline

Robertson, Carl

Saia, Pamela

Shultis, Elizabeth

Splaine, James

Trueman, Raymond

Weatherspoon, Jacquelyne

Woekel, Ralph

**STRAFFORD**

Berube, Roger

Brennan, William

Callaghan, Frank

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Gilmore, Gary

Goodwin, Earle

Grassie, Anne

Heon, Richard

Johnson, Nancy

Kaen, Naida

Knowles, William

Lent, Donald

McCarthy, Gerald

Pelletier, Arthur

Pelletier, Marsha

Proulx, Raymond

Reid, Christopher

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Tsiros, William

Wall, Janet

Woodill, Rodney

**SULLIVAN**

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Harris, Joseph

Harris, Sandra

Jones, Constance

Leone, Richard

Phinizy, James

Robb, Amy

and the floor amendment failed.

Rep. Dokmo moved Ought to Pass.

Rep. William Kelley requested a roll call; sufficiently seconded.  
The question being adoption of the motion of Ought to Pass.

**YEAS 228 NAYS 132****YEAS 228****BELKNAP**

Dewhirst, Glenn  
Millham, Alida

Flanders, Donald  
Pilliod, James

Johnson, William  
Salatiello, Thomas

Lawton, David  
Wood, Jane

**CARROLL**

Bradley, Jeb  
Torresen, Gary

Dickinson, Howard

Quimby, Lee

Sullivan, P Judith

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
McGuirk, Paul  
Richardson, Barbara

Avery, Stephen  
Espiefs, Peter  
Meader, David  
Russell, Ronald

Batchelder, Robert  
Hunt, John  
Mitchell, McKim  
Weed, Charles

Burnham, Daniel  
Manning, Joseph  
Pratt, John  
Zerba, Roger

**COOS**

Bradley, Paula  
Pratt, Leighton

Davis, Perley  
Rozek, Michael

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Teschner, Douglass

Cobb, John  
Nordgren, Sharon  
Williams, Burton

Cooney, Mary  
Pawlek, Marion

**HILLSBOROUGH**

Alukonis, David  
Baroody, Benjamin  
Calawa, Leon Jr  
Clayton, William  
Craig, James  
Drisko, Richard  
Eaton, Richard  
Gleneck, David  
Gorman, Mary  
Hall, Betty  
Keye, Harvey  
LaRose, Richard  
Leishman, Peter  
Messier, Irene  
Panagopoulos, Nicholas  
Salts, Greg  
Shaw, Barbara  
Thulander, O Alan

Andosca, Mary  
Bergin, Peter  
Chabot, Robert  
Clemons, Jane  
Daigle, Robert  
Duval, Jeffrey  
Foster, Linda  
Golding, William  
Graham, John  
Jean, Claudette  
Konys, Christine  
Lasky, Bette  
Lynde, Harold  
Moran, Edward  
Pepino, Leo  
Sargent, Maxwell  
Spiess, Paul  
Wheeler, Robert

Arnold, Thomas Jr  
Brundige, Robert  
Christensen, D L Chris  
Cote, David  
Dokmo, Cynthia  
Dwyer, Paul  
Gargas, Carolyn  
Goley, Jeffrey  
Guinta, Frank  
Johnson, Lionel  
Kurk, Neal  
Leach, Edward  
McHugh, Claire  
O'Connell, Timothy  
Peterson, Andrew  
Schulze, Cynthia  
Sweeney, Cynthia  
White, John

Artz, Lawrence  
Buckley, Raymond  
Christiansen, Lars  
Cote, Peter  
Drabinowicz, A Theresa  
Dyer, Merton  
Ginsburg, Ruth  
Gonzalez, Carlos  
Haley, Robert  
Kacavas, John  
L'Heureux, Robert  
Lefebvre, Roland  
Melcher, Harold  
Palangas, Eric  
Rowe, Robert  
Seibel, Christopher  
Tate, Joan  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Cummings, Raymond  
Fraser, Leo Jr  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Swindlehurst, John

Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Wallner, Mary Jane

Crosby, Toni  
Dunne, Christopher  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
 Coes, Betsy  
 DiFruscia, Anthony  
 Gilbert, Karl  
 Itse, Daniel  
 Katsakiores, Phyllis  
 Langone, John  
 Norelli, Terie  
 Pitts, Jacqueline  
 Shultis, Elizabeth  
 Whittier, John

Bowles, Raimond  
 Cooney, Richard  
 Dodge, Robert  
 Giordano, Ronald  
 Johnson, Robert  
 Kelley, Jane  
 McGuire, Robert  
 Nowe, Ronald  
 Reardon, Neil  
 Splaine, James

Bridle, Russell  
 Cox, Russell  
 Downing, Michael  
 Griffin, Mary  
 Kane, Cecelia  
 Kobel, Rudolph  
 Micklon, Stephanie  
 Palermo, Diane  
 Robertson, Carl  
 Trueman, Raymond

Clark, Martha Fuller  
 Dearborn, Bruce  
 Flanagan, Natalie  
 Hutchinson, Karen  
 Katsakiores, George  
 Langley, Jane  
 Moore, Benjamin  
 Pantelakos, Laura  
 Ruffner, Walter  
 Weatherspoon, Jacquelyne

**STRAFFORD**

Albert, Russell  
 DeChane, Marlene  
 Goodwin, Earle  
 Johnson, Nancy  
 McCarthy, Gerald  
 Proulx, Raymond  
 Snyder, Clair  
 Woodill, Rodney

Berube, Roger  
 Dunlap, Patricia  
 Grassie, Anne  
 Kaen, Naida  
 Musler, George  
 Reid, Christopher  
 Spang, Judith

Brennan, William  
 Estabrook, Iris  
 Heon, Richard  
 Knowles, William  
 Pelletier, Arthur  
 Rollo, Michael  
 Taylor, Kathleen

Callaghan, Frank  
 Gilmore, Gary  
 Hughes, Christopher  
 Lent, Donald  
 Pelletier, Marsha  
 Smith, Marjorie  
 Wall, Janet

**SULLIVAN**

Allison, David  
 Flint, Gordon Sr  
 Leone, Richard

Burling, Peter  
 Harris, Joseph  
 Phinizy, James

Cloutier, John  
 Harris, Sandra  
 Robb, Amy

Ferland, Brenda  
 Jones, Constance  
 Rodeschin, Beverly

**NAYS 132****BELKNAP**

Bartlett, Gordon  
 Nedeau, Stephen  
 Thomas, John

Boyce, Laurie  
 Rice, Thomas Jr  
 Wendelboe, Fran

Czech, Stanley  
 Rosen, Ralph

Holbrook, Robert  
 Russell, David

**CARROLL**

Babson, David Jr  
 Patten, Betsey

Kenney, Joseph  
 Stevens, Stanley

Lyman, L Randy

Mock, Henry

**CHESHIRE**

Edwards, Dana  
 Royce, H Charles

Emerson, Susan  
 Smith, Edwin

Fairbanks, Chandler

Roberts, William

**COOS**

Gallus, John  
 Tholl, John Jr

Guay, Lawrence

Horton, Lynn

Stohl, Eric

**GRAFTON**

Akins, Ralph  
 Gabler, William  
 Marshall, Gene  
 Ward, Brien

Alger, John  
 Gilman, G Michael  
 Mirski, Paul

Dudley, Terri  
 Giuda, Robert  
 Scanlan, David

Eaton, Stephanie  
 Ham, Bonnie  
 Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
 Bouchard, David  
 Clegg, Robert Jr  
 Emerton, Lawrence Sr

Balboni, Michael  
 Bragdon, Peter  
 Coughlin, Pamela  
 Fields, Dennis

Balcom, John  
 Bruno, Pierre  
 Dionne, Kimberley  
 Fletcher, Richard

Bergeron, Jean-Guy  
 Carlson, Donald  
 Elliott, Larry  
 Flora, Kathleen



Furman, Christine  
Holden, Randolph  
Lessard, Rudy  
Mercer, Robert  
Souza, Kathleen

Greenberg, Gary  
Hopper, Gary  
Martel, Andre  
Milligan, Robert  
Tahir, Saghir

Hall, Charles  
Jean, Loren  
Martin, Mary Ellen  
Pappas, Marc  
Thompson, Rob

Herman, Keith  
LaFlamme, Paul  
McRae, Karen  
Reeves, Sandra  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
MacKay, James  
Whittemore, James

Feuerstein, Martin  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Hess, David  
Langer, Ray  
Soltani, Tony

Hutchinson, John  
Leber, William  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Chalbeck, Kevin  
Francoeur, Sheila  
Hill, Jonathan  
Major, Norman  
Power, Lucille  
Quandt, Matthew  
Stone, Joseph  
Weyler, Kenneth

Belanger, Ronald  
Clark, Vivian  
Gleason, John  
Holland, James Jr  
McKinney, Betsy  
Priestley, Anne  
Rausch, James  
Stritch, C Donald  
Woekel, Ralph

Bishop, Franklin  
Fesh, Bob  
Hamel, Albert  
Johnson, Rogers  
Morse, Charles  
Putnam, Ed II  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Camm, Kevin  
Flanders, John Sr  
Henderson, Warren  
Kelley, William  
Packard, Sherman  
Quandt, Marshall  
Sapareto, Frank  
Welch, David

### STRAFFORD

Bickford, David  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

Tsiros, William

### SULLIVAN

Odell, Bob  
and the motion was adopted.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Dyer moved that the House reconsider its action whereby it passed **HB 375**, making technical corrections in the tax laws.

Rep. Dyer spoke against.

Rep. Herman spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

**YEAS 184 NAYS 176**

### YEAS 184

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Russell, David

Boyce, Laurie  
Lawton, David  
Thomas, John

Czech, Stanley  
Nedeau, Stephen  
Wendelboe, Fran

Dewhirst, Glenn  
Rosen, Ralph

### CARROLL

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Patten, Betsey  
Torressen, Gary

Kenney, Joseph  
Quimby, Lee

### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Smith, Edwin

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

### COOS

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

Rozek, Michael

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob

Alukonis, David  
Balcom, John  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Fields, Dennis  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Fletcher, Richard  
Golding, William  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Elliott, Larry  
Flora, Kathleen  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Dunne, Christopher  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Hess, David  
Langer, Ray  
Soltani, Tony

Hutchinson, John  
Leber, William  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Fesh, Bob  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, Jane  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Chalbeck, Kevin  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kelley, William  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Sapareto, Frank  
Welch, David

Bishop, Franklin  
Clark, Vivian  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

Bridle, Russell  
Dodge, Robert  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, Phyllis  
McKinney, Betsy  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

**STRAFFORD**

Albert, Russell  
Musler, George

Bickford, David  
Reid, Christopher

Cossette, Larry  
Twombly, James

Harrington, Michael  
Woods, Phyllis

**SULLIVAN**

Odell, Bob

Rodeschin, Beverly

**NAYS 176****BELKNAP**

Flanders, Donald  
Rice, Thomas Jr

Johnson, William  
Salatiello, Thomas

Millham, Alida  
Wood, Jane

Pilliod, James

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meador, David  
Russell, Ronald

Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

**COOS**

Bradley, Paula  
Pratt, Leighton

Davis, Perley

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Williams, Burton

Cooney, Mary  
Nordgren, Sharon

Ham, Bonnie  
Pawlek, Marion

**HILLSBOROUGH**

Andosca, Mary  
Clayton, William  
Craig, James  
Drisko, Richard  
Eaton, Richard  
Goley, Jeffrey  
Jean, Claudette  
Konys, Christine  
Leishman, Peter  
Messier, Irene  
Peterson, Andrew  
Spiess, Paul

Baroody, Benjamin  
Clemons, Jane  
Daigle, Robert  
Duval, Jeffrey  
Foster, Linda  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
O'Connell, Timothy  
Schulze, Joan  
Sweeney, Cynthia

Bergin, Peter  
Cote, David  
Dokmo, Cynthia  
Dwyer, Paul  
Gargas, Carolyn  
Haley, Robert  
Kacavas, John  
Leach, Edward  
Martin, Mary Ellen  
Palangas, Eric  
Seibel, Christopher  
White, John

Buckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Dyer, Merton  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
Melcher, Harold  
Panagopoulos, Nicholas  
Shaw, Barbara  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Cummings, Raymond  
Fraser, Leo Jr  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Crosby, Toni  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Trueman, Raymond

Bowles, Raimond  
Cox, Russell  
Flanagan, Natalie  
Langley, Jane  
Moore, Benjamin  
Robertson, Carl  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Dearborn, Bruce  
Johnson, Robert  
Langone, John  
Norelli, Terie  
Shultis, Elizabeth  
Whittier, John

Coes, Betsy  
DiFruscia, Anthony  
Kane, Cecelia  
McGuire, Robert  
Pantelakos, Laura  
Splaine, James

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

Brennan, William  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Spang, Judith  
Woodill, Rodney

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinizy, James	Robb, Amy	

and the motion to reconsider passed.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it defeated floor amendment (1081h) to **HB 375**, making technical corrections in the tax laws.

**MOTION TO LAY ON THE TABLE**

Rep. Burling moved that **HB 375**, making technical corrections in the tax laws, be laid on the table. Rep. Mirski requested a roll call; sufficiently seconded.

**YEAS 176 NAYS 184****YEAS 176****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Quimby, Lee

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Ward, Brien	Williams, Burton		

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bergin, Peter	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
Melcher, Harold	Messier, Irene	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Rowe, Robert	Schulze, Joan
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Gile, Mary



Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whitemore, James

Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Trueman, Raymond

Bowles, Raimond  
Cox, Russell  
Flanagan, Natalie  
Langley, Jane  
Moore, Benjamin  
Robertson, Carl  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
Dearborn, Bruce  
Johnson, Robert  
Langone, John  
Norelli, Terie  
Shultis, Elizabeth  
Whittier, John

Coes, Betsy  
DiFruscia, Anthony  
Kane, Cecelia  
McGuire, Robert  
Pantelakos, Laura  
Splaine, James

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

Brennan, William  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Gilmore, Gary  
Hughes, Christopher  
Lent, Donald  
Proulx, Raymond  
Spang, Judith  
Woodill, Rodney

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Phinizy, James

Cloutier, John  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance

### NAYS 184

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Holbrook, Robert  
Rosen, Ralph

Czech, Stanley  
Lawton, David  
Russell, David

Dewhirst, Glenn  
Nedeau, Stephen  
Thomas, John

### CARROLL

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry  
Torressen, Gary

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Stevens, Stanley

### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Smith, Edwin

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

### COOS

Gallus, John  
Rozeck, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Ham, Bonnie  
Sova, Charles

Alger, John  
Gabler, William  
Marshall, Gene  
Teschner, Douglass

Cobb, John  
Gilman, G Michael  
Mirski, Paul

Dudley, Terri  
Giuda, Robert  
Scanlan, David

### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael

Alukonis, David  
Balcom, John

Arnold, Thomas Jr  
Bergeron, Jean-Guy

Artz, Lawrence  
Bouchard, David

Bragdon, Peter  
 Carlson, Donald  
 Clegg, Robert Jr  
 Emerton, Lawrence Sr  
 Furman, Christine  
 Graham, John  
 Herman, Keith  
 L'Heureux, Robert  
 Martel, Andre  
 Milliigan, Robert  
 Reeves, Sandra  
 Tahir, Saghir  
 Vaillancourt, Steve

Brundige, Robert  
 Chabot, Robert  
 Coughlin, Pamela  
 Fields, Dennis  
 Gleneck, David  
 Greenberg, Gary  
 Hopper, Gary  
 LaFlamme, Paul  
 McHugh, Claire  
 Moran, Edward  
 Salts, Greg  
 Tate, Joan  
 Wheeler, Robert

Bruno, Pierre  
 Christensen, D L Chris  
 Dionne, Kimberley  
 Fletcher, Richard  
 Golding, William  
 Guinta, Frank  
 Jean, Loren  
 LaRose, Richard  
 McRae, Karen  
 Pappas, Marc  
 Sargent, Maxwell  
 Thompson, Rob

Calawa, Leon Jr  
 Christiansen, Lars  
 Elliott, Larry  
 Flora, Kathleen  
 Gonzalez, Carlos  
 Hall, Charles  
 Kurk, Neal  
 Lessard, Rudy  
 Mercer, Robert  
 Pepino, Leo  
 Souza, Kathleen  
 Thulander, O Alan

### MERRIMACK

Anderson, Eric  
 Kennedy, Richard  
 MacKay, James  
 Whalley, Michael

Dunne, Christopher  
 L'Heureux, Stephen  
 Poulin, David  
 Winter, Steven

Hess, David  
 Langer, Ray  
 Soltani, Tony

Hutchinson, John  
 Leber, William  
 Swindlehurst, John

### ROCKINGHAM

Arndt, Janet  
 Camm, Kevin  
 Fesh, Bob  
 Giordano, Ronald  
 Henderson, Warren  
 Itse, Daniel  
 Kelley, Jane  
 Morse, Charles  
 Power, Lucille  
 Quandt, Matthew  
 Saia, Pamela  
 Varrell, Thomas  
 Zolla, William

Belanger, Ronald  
 Chalbeck, Kevin  
 Flanders, John Sr  
 Gleason, John  
 Hill, Jonathan  
 Johnson, Rogers  
 Kelley, William  
 Nowe, Ronald  
 Priestley, Anne  
 Rausch, James  
 Sapareto, Frank  
 Welch, David

Bishop, Franklin  
 Clark, Vivian  
 Francoeur, Sheila  
 Griffin, Mary  
 Holland, James Jr  
 Katsakiores, George  
 Major, Norman  
 Packard, Sherman  
 Putnam, Ed II  
 Reardon, Neil  
 Stone, Joseph  
 Weyler, Kenneth

Bridle, Russell  
 Dodge, Robert  
 Gilbert, Karl  
 Hamel, Albert  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 McKinney, Betsy  
 Palermo, Diane  
 Quandt, Marshall  
 Ruffner, Walter  
 Stritch, C Donald  
 Woekel, Ralph

### STRAFFORD

Albert, Russell  
 Musler, George

Bickford, David  
 Reid, Christopher

Cossette, Larry  
 Twombly, James

Harrington, Michael  
 Woods, Phyllis

### SULLIVAN

Odell, Bob  
 and the motion failed.

Rodeschin, Beverly

The question now being the motion to reconsider floor amendment (1081h).  
 Rep. Harrington requested a roll call; sufficiently seconded.

### YEAS 186 NAYS 174

#### YEAS 186

#### BELKNAP

Bartlett, Gordon  
 Flanders, Donald  
 Rice, Thomas Jr  
 Wendelboe, Fran

Boyce, Laurie  
 Holbrook, Robert  
 Rosen, Ralph

Czech, Stanley  
 Lawton, David  
 Russell, David

Dewhirst, Glenn  
 Nedeau, Stephen  
 Thomas, John

#### CARROLL

Babson, David Jr  
 Lyman, L Randy  
 Stevens, Stanley

Bradley, Jeb  
 Mock, Henry  
 Sullivan, P Judith

Dickinson, Howard  
 Patten, Betsey  
 Torressen, Gary

Kenney, Joseph  
 Quimby, Lee

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Smith, Edwin

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

**COOS**

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Herman, Keith  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Tahir, Saghir  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Fields, Dennis  
Gleneck, David  
Greenberg, Gary  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Fletcher, Richard  
Golding, William  
Guinta, Frank  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Sargent, Maxwell  
Thompson, Rob

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Elliott, Larry  
Flora, Kathleen  
Gonzalez, Carlos  
Hall, Charles  
Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Souza, Kathleen  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Dunne, Christopher  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Hess, David  
Langer, Ray  
Soltani, Tony

Hutchinson, John  
Leber, William  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Dodge, Robert  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

Belanger, Ronald  
Chalbeck, Kevin  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, Phyllis  
McKinney, Betsy  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

Bishop, Franklin  
Clark, Vivian  
Flanagan, Natalie  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, Jane  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Varrell, Thomas  
Zolla, William

Bridle, Russell  
DiFruscia, Anthony  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kelley, William  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Sapareto, Frank  
Welch, David

**STRAFFORD**

Albert, Russell  
Hughes, Christopher

Bickford, David  
Musler, George

Cossette, Larry  
Twombly, James

Harrington, Michael  
Woods, Phyllis

**SULLIVAN**

Odell, Bob

Rodeschin, Beverly

**NAYS 174****BELKNAP**Johnson, William  
Wood, Jane

Millham, Alida

Pilliod, James

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**Allen, Peter  
Manning, Joseph  
Pratt, John  
Zerba, RogerBatchelder, Robert  
McGuirk, Paul  
Richardson, BarbaraBurnham, Daniel  
Meader, David  
Russell, RonaldEspiefs, Peter  
Mitchell, McKim  
Weed, Charles**COOS**

Bradley, Paula

Davis, Perley

Landers, Dana

Mears, Edgar

**GRAFTON**Almy, Susan  
Lovett, Sid  
Scovner, NancyBenn, Bernard  
Naro, Debra  
Ward, BrienCooney, Mary  
Nordgren, Sharon  
Williams, BurtonHam, Bonnie  
Pawlek, Marion**HILLSBOROUGH**Andosca, Mary  
Clayton, William  
Craig, James  
Drisko, Richard  
Eaton, Richard  
Goley, Jeffrey  
Holden, Randolph  
Keye, Harvey  
Lefebvre, Roland  
Melcher, Harold  
Panagopoulos, Nicholas  
Seibel, Christopher  
White, JohnBaroody, Benjamin  
Clemons, Jane  
Daigle, Robert  
Duval, Jeffrey  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
Konys, Christine  
Leishman, Peter  
Messier, Irene  
Peterson, Andrew  
Shaw, Barbara  
Williams, CarolBergin, Peter  
Cote, David  
Dokmo, Cynthia  
Dwyer, Paul  
Gargas, Carolyn  
Haley, Robert  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
O'Connell, Timothy  
Rowe, Robert  
Spiess, PaulBuckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Dyer, Merton  
Ginsburg, Ruth  
Hall, Betty  
Kacavas, John  
Leach, Edward  
Martin, Mary Ellen  
Palangas, Eric  
Schulze, Joan  
Sweeney, Cynthia**MERRIMACK**Bouchard, Candace  
Cummings, Raymond  
Fraser, Leo Jr  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, GloriaBrewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary JaneClarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whittemore, JamesCrosby, Toni  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles**ROCKINGHAM**Blanchard, MaryAnn  
Cooney, Richard  
Johnson, Robert  
Langone, John  
Norelli, Terie  
Shultis, Elizabeth  
Whittier, JohnBowles, Raimond  
Cox, Russell  
Kane, Cecelia  
McGuire, Robert  
Pantelakos, Laura  
Splaine, JamesClark, Martha Fuller  
Dearborn, Bruce  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Trueman, RaymondCoes, Betsy  
Downing, Michael  
Langley, Jane  
Moore, Benjamin  
Robertson, Carl  
Weatherspoon, Jacquelyne



**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	McCarthy, Gerald	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Tsiros, William	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinzy, James	Robb, Amy	

and the motion to reconsider prevailed.

The question now being adoption of floor amendment (1081h).

Reps. Leishman, Jacobson, Lasky, McGuirk and Burling spoke against.

Rep. Guay spoke in favor.

Reps. Alukonis and Herman spoke in favor and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently seconded.

**YEAS 180 NAYS 179****YEAS 180****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

**CARROLL**

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Quimby, Lee	Stevens, Stanley
Torresen, Gary			

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin			

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	

**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass			

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Bergeron, Jean-Guy	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Elliott, Larry
Emerton, Lawrence R	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Furman, Christine	Gleneck, David	Golding, William	Gonzalez, Carlos
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles

Herman, Keith  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

Jean, Loren  
LaRose, Richard  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

Kurk, Neal  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Dunne, Christopher  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Hess, David  
Langer, Ray  
Soltani, Tony

Hutchinson, John  
Leber, William  
Swindlehurst, John

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Dodge, Robert  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, Phyllis  
McKinney, Betsy  
Palermo, Diane  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas

Belanger, Ronald  
Chalbeck, Kevin  
Fesh, Bob  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, Jane  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Sapareto, Frank  
Welch, David

Bishop, Franklin  
Clark, Vivian  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kelley, William  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

Bridle, Russell  
DiFruscia, Anthony  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Zolla, William

### STRAFFORD

Albert, Russell  
Musler, George

Bickford, David  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

### SULLIVAN

Odell, Bob

Rodeschin, Beverly

### NAYS 179

### BELKNAP

Flanders, Donald  
Salatiello, Thomas

Johnson, William  
Wood, Jane

Millham, Alida

Pillioid, James

### CARROLL

Dickinson, Howard

Sullivan, P Judith

### CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meador, David  
Russell, Ronald

Espiefs, Peter  
Mitchell, McKim  
Weed, Charles

### COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Mears, Edgar

### GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Ward, Brien

Cooney, Mary  
Nordgren, Sharon  
Williams, Burton

Ham, Bonnie  
Pawlek, Marion

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bergin, Peter	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffery	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
Melcher, Harold	Messier, Irene	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Maxfield, Roy	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Cooney, Richard	Cox, Russell	Dearborn, Bruce	Downing, Michael
Flanagan, Natalie	Johnson, Robert	Kane, Cecelia	Kobel, Rudolph
Langley, Jane	Langone, John	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Saia, Pamela	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John	Woekel, Ralph	

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Tsiros, William	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinzy, James	Robb, Amy	

and floor amendment (1081h) was adopted.

Rep. Herman offered a floor amendment (1104h).

**Floor Amendment (1104h)**

Amend the bill by replacing section 1 with the following:

1 Education Property Tax Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$6.60~~]  
\$5.95 on each \$1000 of the value of taxable property is hereby imposed on all persons and prop-  
erty taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and  
RSA 83-F.

Reps. Vivian Clark and Foster spoke against.

Rep. Alukonis spoke in favor.

Rep. Betty Hall requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1104h).

## YEAS 296 NAYS 57

### YEAS 296

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Salatiello, Thomas

Boyce, Laurie  
Johnson, William  
Rice, Thomas Jr  
Thomas, John

Czech, Stanley  
Lawton, David  
Rosen, Ralph  
Wendelboe, Fran

Dewhirst, Glenn  
Nedeau, Stephen  
Russell, David  
Wood, Jane

#### CARROLL

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Patten, Betsey  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

#### CHESHIRE

Allen, Peter  
Dexter, Judson  
Hunt, John  
Pratt, John  
Smith, Edwin

Avery, Stephen  
Edwards, Dana  
Manning, Joseph  
Richardson, Barbara  
Weed, Charles

Batchelder, Robert  
Emerson, Susan  
Meador, Joseph  
Roberts, William  
Zerba, Roger

Burnham, Daniel  
Fairbanks, Chandel  
Mitchell, McKim  
Royce, H Charles

#### COOS

Bradley, Paula  
Landers, Dana  
Stohl, Eric

Gallus, John  
Mears, Edgar  
Tholl, John Jr

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Rozek, Michael

#### GRAFTON

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Nordgren, Sharon  
Teschner, Douglass

Alger, John  
Eaton, Stephanie  
Lovett, Sid  
Pawlek, Marion  
Ward, Brien

Benn, Bernard  
Gabler, William  
Marshall, Gene  
Scanlan, David  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Mirski, Paul  
Sova, Charles

#### HILLSBOROUGH

Allan, Nelson  
Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Carlson, Donald  
Clegg, Robert Jr  
Craig, James  
Drisko, Richard  
Emerton, Lawrence Sr  
Foster, Linda  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
Konys, Christine  
LaRose, Richard  
Leishman, Peter  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo

Alukonis, David  
Balboni, Michael  
Bergin, Peter  
Bruno, Pierre  
Chabot, Robert  
Clemons, Jane  
Dionne, Kimberley  
Dwyer, Paul  
Fields, Dennis  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
Kurk, Neal  
Lasky, Bette  
Lessard, Rudy  
McRae, Karen  
Moran, Edward  
Peterson, Andrew

Andosca, Mary  
Balcom, John  
Bouchard, David  
Buckley, Raymond  
Christensen, D L Chris  
Cote, David  
Dokmo, Cynthia  
Dyer, Merton  
Fletcher, Richard  
Gargas, Carolyn  
Gorman, Mary  
Hall, Charles  
Jean, Claudette  
L'Heureux, Robert  
Leach, Edward  
Martel, Andre  
Melcher, Harold  
O'Connell, Timothy  
Reeves, Sandra

Arnold, Thomas Jr  
Baroody, Benjamin  
Bragdon, Peter  
Calawa, Leon Jr  
Christiansen, Lars  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Elliott, Larry  
Flora, Kathleen  
Ginsburg, Ruth  
Graham, John  
Herman, Keith  
Jean, Loren  
LaFlamme, Paul  
Lefebvre, Roland  
Martin, Mary Ellen  
Mercer, Robert  
Pappas, Marc  
Rowe, Robert



Salts, Greg  
Souza, Kathleen  
Thompson, Rob  
White, John

Sargent, Maxwell  
Spiess, Paul  
Thulander, O Alan  
Williams, Carol

Schulze, Joan  
Tahir, Saghir  
Vaillancourt, Steve

Seibel, Christopher  
Tate, Joan  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
Feuerstein, Martin  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Poulin, David  
Wallner, Mary Jane

Bouchard, Candace  
Cummings, Raymond  
Fraser, Leo Jr  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Whalley, Michael

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Perkins, Randy  
Soltani, Tony  
Winter, Steven

Clarke, Claire  
Dunne, Christopher  
French, Barbara  
Hutchinson, John  
Langer, Ray  
Maxfield, Roy  
Potter, Frances  
Swindlehurst, John  
Yeaton, Charles

### ROCKINGHAM

Arndt, Janet  
Bowles, Raimond  
Clark, Martha Fuller  
Dodge, Robert  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Morse, Charles  
Palermo, Diane  
Quandt, Matthew  
Saia, Pamela  
Stritch, C Donald  
Welch, David  
Zolla, William

Belanger, Ronald  
Bridle, Russell  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
McGuire, Robert  
Norelli, Terie  
Power, Lucille  
Rausch, James  
Shultis, Elizabeth  
Trueman, Raymond  
Weyler, Kenneth

Bishop, Franklin  
Camm, Kevin  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, George  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Reardon, Neil  
Splaine, James  
Varrell, Thomas  
Whittier, John

Blanchard, MaryAnn  
Chalbeck, Kevin  
DiFruscia, Anthony  
Flanagan, Natalie  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
Micklon, Stephanie  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Weatherspoon, Jacquelyne  
Woekel, Ralph

### STRAFFORD

Albert, Russell  
Callaghan, Frank  
Gilmore, Gary  
Lent, Donald  
Pelletier, Marsha  
Twombly, James

Berube, Roger  
Cossette, Larry  
Grassie, Anne  
McCarthy, Gerald  
Reid, Christopher  
Wall, Janet

Bickford, David  
DeChane, Marlene  
Johnson, Nancy  
Musler, George  
Snyder, Clair  
Woods, Phyllis

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Tsiros, William

### SULLIVAN

Burling, Peter  
Odell, Bob

Flint, Gordon Sr  
Robb, Amy

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

### NAYS 57

### BELKNAP

Millham, Alida

### CARROLL

None

### CHESHIRE

Espiefs, Peter

McGuirk, Paul

### COOS

Davis, Perley

**GRAFTON**

Almy, Susan	Cooney, Mary	Ham, Bonnie	Naro, Debra
Scovner, Nancy			

**HILLSBOROUGH**

Clayton, William	Cote, Peter	Daigle, Robert	Duval, Jeffrey
Eaton, Richard	Gleneck, David	Goley, Jeffrey	Haley, Robert
Hall, Betty	Johnson, Lionel	Kacavas, John	Keye, Harvey
Lynde, Harold	Palangas, Eric	Shaw, Barbara	Sweeney, Cynthia

**MERRIMACK**

Davis, Frank	Greco, Vincent	Reardon, Tara	Rush, Deanna
Seldin, Gloria	Whittemore, James		

**ROCKINGHAM**

Clark, Vivian	Coes, Betsy	Cooney, Richard	Kane, Cecelia
Langley, Jane	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II
Robertson, Carl	Sapareto, Frank		

**STRAFFORD**

Estabrook, Iris	Goodwin, Earle	Harrington, Michael	Heon, Richard
Hughes, Christopher	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Woodill, Rodney	

**SULLIVAN**

Allison, David	Ferland, Brenda	Harris, Joseph	Harris, Sandra
Phinizy, James			

and floor amendment (1104h) was adopted.

Rep. Panagopoulos did not vote and wished to be recorded in favor.

Rep. Alger offered a floor amendment (1086h) and spoke in favor.

Without objection, Rep. Alger withdrew the floor amendment (1086h).

Rep. Leone offered a floor amendment (1110h).

**Floor Amendment (1110h)**

Amend RSA 76:3 as inserted by section 1 of the bill by replacing it with the following:

76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$6.60]~~ **\$5.00** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

Rep. Rep. Hess spoke against and yielded to questions.

Rep. Leone spoke in favor and requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1110h).

**YEAS 162 NAYS 190****YEAS 162****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Sullivan, P Judith

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Espiefs, Peter	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Weed, Charles
Zerba, Roger			

**COOS**

Bradley, Paula

Davis, Perley

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Ward, Brien

Cooney, Mary  
Nordgren, Sharon

Ham, Bonnie  
Pawlek, Marion

**HILLSBOROUGH**

Andosca, Mary  
Clayton, William  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Foster, Linda  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
McHugh, Claire  
Panagopoulos, Nicholas  
Shaw, Barbara  
Williams, Carol

Baroody, Benjamin  
Clemons, Jane  
Craig, James  
Drisko, Richard  
Gargas, Carolyn  
Haley, Robert  
Kacavas, John  
Leishman, Peter  
Melcher, Harold  
Rowe, Robert  
Spiess, Paul

Bergin, Peter  
Cote, David  
Daigle, Robert  
Duval, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Lynde, Harold  
Messier, Irene  
Schulze, Joan  
Sweeney, Cynthia

Buckley, Raymond  
Cote, Peter  
Dokmo, Cynthia  
Dwyer, Paul  
Goley, Jeffrey  
Jean, Claudette  
Konys, Christine  
Martin, Mary Ellen  
Palangas, Eric  
Seibel, Christopher  
White, John

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Brewster, Richard  
Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Clarke, Claire  
Feuerstein, Martin  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Crosby, Toni  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn  
Cox, Russell  
Johnson, Robert  
Langone, John  
Pantelakos, Laura  
Saia, Pamela  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Dearborn, Bruce  
Kane, Cecelia  
McGuire, Robert  
Pitts, Jacqueline  
Shultis, Elizabeth  
Whittier, John

Clark, Martha Fuller  
DiFruscia, Anthony  
Kelley, Jane  
Micklon, Stephanie  
Putnam, Ed II  
Splaine, James  
Woekel, Ralph

Coes, Betsy  
Downing, Michael  
Langley, Jane  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Estabrook, Iris  
Hughes, Christopher  
Proulx, Raymond  
Spang, Judith

Callaghan, Frank  
Gilmore, Gary  
Johnson, Nancy  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Allison, David  
Harris, Joseph  
Phinizy, James

Burling, Peter  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance

Flint, Gordon Sr  
Leone, Richard

**NAYS 190****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boyce, Laurie  
Lawton, David  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Thomas, John

Dewhirst, Glenn  
Rice, Thomas Jr  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry  
Torresen, Gary

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Quimby, Lee

**CHESHIRE**

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

Fairbanks, Chandler  
Smith, Edwin

**COOS**

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Mirski, Paul  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Elliott, Larry  
Flora, Kathleen  
Gonzalez, Carlos  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
Moran, Edward  
Reeves, Sandra  
Tahir, Saghir  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Brundige, Robert  
Chabot, Robert  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
O'Connell, Timothy  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Dyer, Merton  
Fields, Dennis  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Lefebvre, Roland  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell  
Thompson, Rob

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Eaton, Richard  
Fletcher, Richard  
Golding, William  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Lessard, Rudy  
Milligan, Robert  
Pepino, Leo  
Souza, Kathleen  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Hess, David  
Langer, Ray  
Soltani, Tony

Cummings, Raymond  
Hutchinson, John  
Leber, William  
Swindlehurst, John

Dunne, Christopher  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

Fraser, Leo Jr  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Dodge, Robert  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Welch, David

Belanger, Ronald  
Chalbeck, Kevin  
Fesh, Bob  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Katsakiores, Phyllis  
McKinney, Betsy  
Palermo, Diane  
Quandt, Matthew  
Stone, Joseph  
Weyler, Kenneth

Bishop, Franklin  
Clark, Vivian  
Flanagan, Natalie  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
Morse, Charles  
Power, Lucille  
Rausch, James  
Stritch, C Donald  
Zolla, William

Bridle, Russell  
Cooney, Richard  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Kobel, Rudolph  
Nowe, Ronald  
Priestley, Anne  
Reardon, Neil  
Varrell, Thomas



**STRAFFORD**

Albert, Russell  
McCarthy, Gerald  
Reid, Christopher

Bickford, David  
Musler, George  
Tsiros, William

Cossette, Larry  
Pelletier, Arthur  
Twombly, James

Harrington, Michael  
Pelletier, Marsha  
Woods, Phyllis

**SULLIVAN**

Odell, Bob  
and floor amendment (1110h) failed.

Rodeschin, Beverly

The question now being adoption of the committee report of Ought to Pass with Amendment.  
A roll call was requested; sufficiently seconded.

**YEAS 181 NAYS 172****YEAS 181****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boyce, Laurie  
Lawton, David  
Russell, David

Czech, Stanley  
Nedeau, Stephen  
Thomas, John

Dewhirst, Glenn  
Rice, Thomas Jr  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Mock, Henry  
Torresen, Gary

Bradley, Jeb  
Patten, Betsey

Kenney, Joseph  
Quimby, Lee

Lyman, L Randy  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Smith, Edwin

Dexter, Judson  
Hunt, John

Edwards, Dana  
Roberts, William

Emerson, Susan  
Royce, H Charles

**COOS**

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Mirski, Paul

Cobb, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Herman, Keith  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Thompson, Rob

Alukonis, David  
Balcom, John  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Fields, Dennis  
Gleneck, David  
Greenberg, Gary  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Fletcher, Richard  
Golding, William  
Guinta, Frank  
Jean, Loren  
LaRose, Richard  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir  
Vaillancourt, Steve

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Elliott, Larry  
Flora, Kathleen  
Gonzalez, Carlos  
Hall, Charles  
Kurk, Neal  
Lefebvre, Roland  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Dunne, Christopher	Hess, David	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
MacKay, James	Poulin, David	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Chalbeck, Kevin	Clark, Vivian	DiFruscia, Anthony
Dodge, Robert	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kelley, William
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reardon, Neil	Ruffner, Walter	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Zolla, William

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Musler, George	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Odell, Bob	Rodeschin, Beverly
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**NAYS 172****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Dickinson, Howard	Sullivan, P Judith
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Ward, Brien	Williams, Burton	

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bergin, Peter	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Kony, Christine	Lasky, Bette	Leach, Edward

Leishman, Peter  
Messier, Irene  
Peterson, Andrew  
Spiess, Paul

Lynde, Harold  
O'Connell, Timothy  
Schulze, Joan  
Sweeney, Cynthia

Martin, Mary Ellen  
Palangas, Eric  
Seibel, Christopher  
White, John

Melcher, Harold  
Panagopoulos, Nicholas  
Shaw, Barbara  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Cummings, Raymond  
Fraser, Leo Jr  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Crosby, Toni  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Cooney, Richard  
Johnson, Robert  
Langone, John  
Pantelakos, Laura  
Shultz, Elizabeth  
Whittier, John

Bowles, Raimond  
Cox, Russell  
Kane, Cecelia  
McGuire, Robert  
Pitts, Jacqueline  
Splaine, James  
Woekel, Ralph

Clark, Martha Fuller  
Dearborn, Bruce  
Kobel, Rudolph  
Micklon, Stephanie  
Robertson, Carl  
Trueman, Raymond

Coes, Betsy  
Downing, Michael  
Langley, Jane  
Norelli, Terie  
Saia, Pamela  
Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Hughes, Christopher  
McCarthy, Gerald  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

Callaghan, Frank  
Gilmore, Gary  
Johnson, Nancy  
Pelletier, Arthur  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Pelletier, Marsha  
Smith, Marjorie  
Tsiros, William

### SULLIVAN

Allison, David  
Harris, Joseph  
Phinizy, James

Burling, Peter  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance

Flint, Gordon Sr  
Leone, Richard

and the committee report was adopted.  
Ordered to third reading.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 232**, relative to compensability of work-related stress injuries under the workers' compensation act. (Amendment printed SJ 4/12/01)

Rep. Gilman moved that the House concur and spoke in favor.  
Adopted.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the May 9<sup>th</sup> and May 17<sup>th</sup> deadlines for reporting and action on Senate bills being referred to a second committee be suspended.  
Adopted by the necessary two-thirds.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 17, 2001 at 10:00 a.m.  
Adopted.

**LATE SESSION****Third reading and final passage**

**HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

**HB 769-FN-L**, relative to fees paid by municipalities for excavating and dredging permit applications.

**HB 443**, relative to a state energy plan.

**HB 740**, relative to decommissioning of nuclear electric generating facilities.

**HB 758**, relative to the sale of gasoline containing ethers.

**HCR 12**, requesting that the federal government authorize greater state regulation of gas pipelines and pipelines carrying other hazardous substances.

**HB 590**, permitting life insurance companies access to certain motor vehicle records.

**HB 218-FN**, relative to the motor vehicle road toll law and motor vehicle registration fees.

**HB-604-FN**, relative to increasing certain fees and making other changes to fish and game licenses.

**HB 304-FN**, relative to insurance coverage for prostate cancer testing.

**HB 690**, relative to disclosure of nonpublic personal health information.

**HB 679**, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12.

**HB 158**, relative to the use of an artificial light to locate moose.

**HB 495**, relative to judicially appointed officials.

**HB 596**, relative to the acquisition of land by a town.

**HB 320-FN**, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

**HB 375**, relative to sources of funding an adequate education.

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 7:55 p.m.

**RECESS**

**(Rep. Foster in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 121, 236, 263, 395 and 480.

Rep. Nowe, Sen. Pignatelli for the Committee

**RECESS**

**(Rep. Jeb Bradley in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 124, 242, 273, 397 and House Joint Resolution 3.

Rep. Nowe, Sen. Pignatelli for the Committee

**RECESS**

**(Speaker Chandler in the Chair)**

**COMMITTEE ASSIGNMENT**

Rep. David J. Gleneck on Election Law.

**RECESS**



(Rep. Whalley in the Chair)

### ENROLLED BILL AMENDMENT

**HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service and the sale of generation assets by Public Service Company of New Hampshire.

#### Amendment (1076-EBA)

Amend RSA 369-B:3, IV(b)(1)(B)(ii) as inserted by section 10 of the bill by replacing line 1 with the following:

(ii) *From initial transition service end day to the day that PSNH*

Adopted.

### RECESS

(Rep. Francoeur in the Chair)

### RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 36, 67, 69, 76, 110, 118, 119, 122, 133, 135, 158, 159, 164, 167, 168, 170, 176, 181, 182, 189 and 197 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 36-FN-A**, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants. (Education)

**SB 67-FN**, relative to costs of locating and apprehending persons improperly at large for driving-related offenses. (Transportation)

**SB 69-FN-A-L**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor. (Judiciary)

**SB 76-FN**, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses. (Commerce)

**SB 110-FN-A**, extending the kindergarten construction program. (Education)

**SB 118**, relative to individual health insurance coverage. (Commerce)

**SB 119**, relative to small group health insurance coverage. (Commerce)

**SB 122**, relative to the license to carry a weapon. (Criminal Justice & Public Safety)

**SB 133-FN-A**, relative to Skyhaven airport and making an appropriation therefor. (Public Works and Highways)

**SB 135-FN-L**, relative to kindergarten funding. (Education)

**SB 158-FN**, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children. (Executive Departments and Administration)

**SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. (Executive Departments and Administration)

**SB 164-FN-A-L**, establishing a comprehensive statewide accountability system concerning an adequate education. (Education)

**SB 167-FN-A**, relative to the medicaid payment for long-term care services. (Health, Human Services and Elderly Affairs)

**SB 168-FN**, relative to education property tax hardship relief. (Ways and Means)

**SB 170-FN-L**, making certain changes to the excavation tax and excavation activity tax. (Ways and Means)

**SB 176-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Executive Departments and Administration)

**SB 181**, relative to the manufacture, sale, or installation of certain smoke detectors. (Commerce)  
**SB 182-FN-A**, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund. (Health, Human Services and Elderly Affairs)  
**SB 189-FN-A**, establishing a gasoline remediation and elimination of ethers fund. (Science, Technology and Energy)  
**SB 197-FN**, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor. (Judiciary)

## RECESS

(Rep. Gallus in the Chair)

## RESOLUTION

Rep. Peterson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 16, 31, 39, 51, 77, 81, 95, 102, 106, 109, 114, 126, 139, 142, 149, 152, 161, 174, 178, 183, 188 and 192 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.  
 Adopted.

## INTRODUCTION OF SENATE BILLS,

### First, second reading and referral

**SB 16-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor. (Environment and Agriculture)  
**SB 31**, eliminating straight ticket voting. (Election Law)  
**SB 39**, establishing the position of market conduct chief administrator in the insurance department. (Executive Departments and Administration)  
**SB 51**, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans. (Commerce)  
**SB 77**, relative to the regulation of plumbers and plumbing. (Executive Departments and Administration)  
**SB 81-FN-A**, regulating medication nursing assistants under the nurse practice act. (Executive Departments and Administration)  
**SB 95**, relative to campaign contribution limits. (Election Law)  
**SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire. (Commerce)  
**SB 106**, relative to consumers' cooperative associations. (Commerce)  
**SB 109**, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. (Commerce)  
**SB 114**, establishing a committee to study issues relating to judicial reform, and making an appropriation therefor. (Judiciary)  
**SB 126**, relative to the use of certain credit data in underwriting certain insurance policies. (Commerce)  
**SB 139**, relative to uniform electronic transactions. (Commerce)  
**SB 142-FN**, relative to the collection of debts owed to the state. (Ways and Means)  
**SB 149-FN**, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records. (Transportation)  
**SB 152-FN**, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. (Commerce)  
**SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor. (Health, Human Services and Elderly Affairs)  
**SB 174-FN-A**, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services. (Executive Departments and Administration)  
**SB 178**, establishing a committee to study the uniform computer information transactions act. (Commerce)

**SB 183-FN-A-L**, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing. (Ways and Means)

**SB 188-FN-L**, relative to abatements and appeals of betterment assessments. (Municipal and County Government)

**SB 192-FN**, relative to the issuance of high/medium voltage licenses by the electricians' board. (Executive Departments and Administration)

### **ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 489.

Rep. Nordgren, Sen. Wheeler for the Committee

RECESS

HOUSE JOURNAL No. 17

Thursday, May 17, 2001

CLERK’S NOTE

Despite the actual date of May 17, 2001, the House continues to be in recess from the session of May 3, 2001.

(Speaker Chandler in the Chair)

The House assembled at 10:00 a.m. and was called to order by the Speaker.

RECONSIDERATION

Having voted with the prevailing side, Rep. Cox moved that the House reconsider its action of April 26, 2001, whereby it found *HB 469-FN-L*, relative to the applicable minimum wage for hourly employees, Inexpedient to Legislate.  
Reps. Karen Hutchinson, Jacobson, Lovett and Guay spoke in favor.  
Rep. Gilman, Dickinson and Scanlan spoke against.  
Rep. Herman requested a roll call; sufficiently seconded.  
The question being the motion to reconsider.

YEAS 171 NAYS 168

YEAS 171

BELKNAP

Johnson, William	Millham, Alida	Pilliod, James	Rice, Thomas Jr
Wood, Jane			

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Emerson, Susan	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Guay, Lawrence	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Gabler, William	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Balboni, Michael	Baroody, Benjamin
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Ford, Nancy	Foster, Linda	Ginsburg, Ruth
Gleneck, David	Goley, Jeffrey	Gorman, Mary	Graham, John
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Konys, Christine	LaRose, Richard	Lasky, Bette	Leach, Edward
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Rowe, Robert
Salts, Greg	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Spieß, Paul	Sweeney, Cynthia	White, John	Williams, Carol



**MERRIMACK**

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
MacKay, James  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Feuerstein, Martin  
Greco, Vincent  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
Fraser, Marilyn  
Hager, Elizabeth  
Owen, Derek  
Rodd, Beth  
Yeaton, Charles

Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Rush, Deanna

**ROCKINGHAM**

Blanchard, MaryAnn  
Clark, Martha Fuller  
DiFruscia, Anthony  
Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Quandt, Matthew  
Trueman, Raymond

Bowles, Raimond  
Coes, Betsy  
Gleason, John  
Kelley, Jane  
McGuire, Robert  
Pantelakos, Laura  
Robertson, Carl  
Weatherspoon, Jacquelyne

Case, Margaret  
Cooney, Richard  
Hill, Jonathan  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Weyler, Kenneth

Chalbeck, Kevin  
Cox, Russell  
Hutchinson, Karen  
Langley, Jane  
Norelli, Terie  
Quandt, Marshall  
Splaine, James  
Whittier, John

**STRAFFORD**

Albert, Russell  
Callaghan, Frank  
Ferland, Paul  
Heon, Richard  
McCarthy, Gerald  
Snyder, Clair  
Woodill, Rodney

Berube, Roger  
DeChane, Marlene  
Gilmore, Gary  
Hughes, Christopher  
Pelletier, Arthur  
Spang, Judith

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Johnson, Nancy  
Proulx, Raymond  
Taylor, Kathleen

Brown, Julie  
Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Allison, David  
Harris, Joseph

Burling, Peter  
Harris, Sandra

Cloutier, John  
Phinizy, James

Ferland, Brenda

**NAYS 168****BELKNAP**

Bartlett, Gordon  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Rosen, Ralph

Czech, Stanley  
Russell, David

Holbrook, Robert  
Thomas, John

**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Lyman, L Randy  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Smith, Edwin

Dexter, Judson  
Liebl, George

Edwards, Dana  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

**COOS**

Gallus, John  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

Rozek, Michael

**GRAFTON**

Alger, John  
Gilman, G Michael  
Sova, Charles

Barker, Robert  
Giuda, Robert  
Ward, Brien

Cobb, John  
Marshall, Gene  
Williams, Burton

Dudley, Terri  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter

Arnold, Thomas Jr  
Bouchard, David

Artz, Lawrence  
Bouldin, Michael

Balcom, John  
Bragdon, Peter

Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Eaton, Richard  
Fletcher, Richard  
Goulet, Maurice  
Herman, Keith  
LaFlamme, Paul  
Mercer, Robert  
Pepino, Leo  
Souza, Kathleen  
Vaillancourt, Steve

Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Elliott, Larry  
Flora, Kathleen  
Greenberg, Gary  
Jean, Loren  
Martel, Andre  
Milligan, Robert  
Peterson, Andrew  
Tate, Joan  
Wheeler, Robert

Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Guinta, Frank  
Kurk, Neal  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Thompson, Rob  
White, Donald

Carlson, Donald  
Clegg, Robert Jr  
Dyer, Merton  
Fields, Dennis  
Golding, William  
Hall, Charles  
L'Heureux, Robert  
McRae, Karen  
Pappas, Marc  
Sargent, Maxwell  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Fraser, Leo Jr  
Leber, William  
Swindlehurst, John

Colcord, J D  
Hutchinson, John  
Lockwood, Priscilla  
Whalley, Michael

Cummings, Raymond  
Kennedy, Richard  
Maxfield, Roy  
Winter, Steven

Dunne, Christopher  
Langer, Ray  
Poulin, David

### ROCKINGHAM

Arndt, Janet  
Corbin, Corey  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
McKinney, Betsy  
Rausch, James  
Sloan, Stephen  
Welch, David

Camm, Kevin  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Johnson, Robert  
Kelley, William  
Packard, Sherman  
Ruffner, Walter  
Stone, Joseph  
Woelke, Ralph

Carson, Sharon  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Holland, James Jr  
Johnson, Rogers  
Letourneau, Robert  
Priestley, Anne  
Saia, Pamela  
Stritch, C Donald  
Zolla, William

Clark, Vivian  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas

### STRAFFORD

Bickford, David  
Tsiros, William

Cossette, Larry  
Twombly, James

Musler, George  
Woods, Phyllis

Reid, Christopher

### SULLIVAN

Jones, Constance  
and the motion to reconsider prevailed.

The question now being the motion of Inexpedient to Legislate on **HB 469-FN-L**.

Reps. Norelli, Leach and Lovett spoke against.

Rep. Herman spoke in favor and yielded to questions.

Reps. Corbin, Gilman and Clegg spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the motion of Inexpedient to Legislate.

### YEAS 166 NAYS 184

#### YEAS 166

#### BELKNAP

Bartlett, Gordon  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Rosen, Ralph

Czech, Stanley  
Russell, David

Holbrook, Robert  
Thomas, John

#### CARROLL

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Lyman, L Randy  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Gallus, John	Horton, Lynn	Pratt, Leighton	Stohl, Eric
Tholl, John Jr	Woodward, David		

**GRAFTON**

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Ward, Brian	Williams, Burton

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Batula, Peter	Bouchard, David	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Golding, William	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	Martel, Andre	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Sargent, Maxwell	Souza, Kathleen	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	White, Donald	

**MERRIMACK**

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Lockwood, Priscilla	Maxfield, Roy	Poulin, David	Swindlehurst, John
Whalley, Michael	Winter, Steven		

**ROCKINGHAM**

Arndt, Janet	Camm, Kevin	Carson, Sharon	Chalbeck, Kevin
Clark, Vivian	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Rausch, James	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Zolla, William	

**STRAFFORD**

Bickford, David	Cossette, Larry	Musler, George	Tsiros, William
Woods, Phyllis			

**SULLIVAN**

Jones, Constance	Odell, Bob	Rodeschin, Beverly
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**NAYS 184****BELKNAP**

Johnson, William  
Salatiello, Thomas

Millham, Alida  
Wood, Jane

Pilliod, James

Rice, Thomas Jr

**CARROLL**

None

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Zerba, Roger

Batchelder, Robert  
Manning, Joseph  
Pratt, John

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

DePecol, Benjamin  
Meador, David  
Weed, Charles

**COOS**

Bradley, Paula  
Rodrigue, Robert

Guay, Lawrence  
Rozek, Michael

Landers, Dana

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Gabler, William  
Pawlek, Marion

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

**HILLSBOROUGH**

Andosca, Mary  
Bergeron, Jean-Guy  
Cote, David  
Dokmo, Cynthia  
Ford, Nancy  
Gleneck, David  
Jean, Claudette  
Konys, Christine  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Palangas, Eric  
Salts, Greg  
Spiess, Paul  
White, John

Balboni, Michael  
Bergin, Peter  
Cote, Peter  
Drabinowicz, A Theresa  
Foster, Linda  
Goley, Jeffrey  
Johnson, Lionel  
LaRose, Richard  
Leishman, Peter  
McHugh, Claire  
Panagopoulos, Nicholas  
Schulze, Joan  
Sweeney, Cynthia  
Williams, Carol

Baroody, Benjamin  
Buckley, Raymond  
Craig, James  
Drisko, Richard  
Gargas, Carolyn  
Gorman, Mary  
Kacavas, John  
Lasky, Bette  
Lynde, Harold  
Melcher, Harold  
Peterson, Andrew  
Seibel, Christopher  
Thompson, Rob

Bellavance, Paul  
Clemons, Jane  
Daigle, Robert  
Elliott, Larry  
Ginsburg, Ruth  
Graham, John  
Keye, Harvey  
Leach, Edward  
Martin, Mary Ellen  
Movsesian, Lori  
Rowe, Robert  
Shaw, Barbara  
Wheeler, Robert

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Owen, Derek  
Rodd, Beth  
Wallner, Mary Jane

Brewster, Richard  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Rush, Deanna  
Whittemore, James

Clarke, Claire  
Feuerstein, Martin  
Gile, Mary  
MacKay, James  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

Colcord, J D  
Fraser, Leo Jr  
Greco, Vincent  
Moore, Carol  
Reardon, Tara  
Soltani, Tony

**ROCKINGHAM**

Blanchard, MaryAnn  
Coes, Betsy  
Holland, James Jr  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Whittier, John

Bowles, Raimond  
Cooney, Richard  
Hutchinson, Karen  
Langley, Jane  
Norelli, Terie  
Quandt, Marshall  
Splaine, James  
Woekel, Ralph

Case, Margaret  
DiFruscia, Anthony  
Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Quandt, Matthew  
Trueman, Raymond

Clark, Martha Fuller  
Gleason, John  
Kelley, Jane  
McGuire, Robert  
Pantelakos, Laura  
Robertson, Carl  
Weatherspoon, Jacquelyne



**STRAFFORD**

Albert, Russell	Berube, Roger	Brennan, William	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

and the motion of Inexpedient to Legislate failed.

Rep. Norelli moved Ought to Pass with Amendment and offered a floor amendment (0909h).

**Floor Amendment (0909h)**

Amend the bill by replacing section 1 with the following:

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date Hourly Rate

[April 1, 1991 to September 30, 1996 \$4.25

October 1, 1996 to August 31, 1997 \$4.75]

On and after September 1, 1997 \$5.15

*On and after October 1, 2001 \$5.65*

*On and after October 1, 2002 \$6.15*

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$20 a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

Rep. Norelli spoke in favor.

Adopted.

The question being adoption of the motion Ought to Pass with Amendment.

Rep. Weed requested a roll call; sufficiently seconded.

**YEAS 196 NAYS 153****YEAS 196****BELKNAP**

Johnson, William	Millham, Alida	Pilliod, James	Rice, Thomas Jr
Salatiello, Thomas	Wood, Jane		

**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Dexter, Judson	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Weed, Charles	Zerba, Roger		

**COOS**

Bradley, Paula  
Rodrigue, Robert

Guay, Lawrence  
Rozek, Michael

Landers, Dana  
Stohl, Eric

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Alger, John  
Gabler, William  
Pawlek, Marion  
Williams, Burton

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

**HILLSBOROUGH**

Andosca, Mary  
Bergeron, Jean-Guy  
Cote, David  
Dokmo, Cynthia  
Elliott, Larry  
Ginsburg, Ruth  
Gorman, Mary  
Kacavas, John  
Lasky, Bette  
Lynde, Harold  
McHugh, Claire  
Panagopoulos, Nicholas  
Salts, Greg  
Spiess, Paul  
White, John

Balboni, Michael  
Bergin, Peter  
Cote, Peter  
Drabinowicz, A Theresa  
Ford, Nancy  
Gleneck, David  
Graham, John  
Keye, Harvey  
Leach, Edward  
Martel, Andre  
Melcher, Harold  
Pappas, Marc  
Schulze, Joan  
Sweeney, Cynthia  
Williams, Carol

Baroody, Benjamin  
Buckley, Raymond  
Craig, James  
Drisko, Richard  
Foster, Linda  
Golding, William  
Jean, Claudette  
Konys, Christine  
Lefebvre, Roland  
Martin, Mary Ellen  
Movsesian, Lori  
Peterson, Andrew  
Seibel, Christopher  
Thompson, Rob

Bellavance, Paul  
Clemons, Jane  
Daigle, Robert  
Dyer, Merton  
Gargasz, Carolyn  
Goley, Jeffrey  
Johnson, Lionel  
LaRose, Richard  
Leishman, Peter  
McDonough-Wallace, Alice  
Palangas, Eric  
Rowe, Robert  
Shaw, Barbara  
Wheeler, Robert

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Soltani, Tony

Brewster, Richard  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Wallner, Mary Jane

Clarke, Claire  
Feuerstein, Martin  
Gile, Mary  
MacKay, James  
Perkins, Randy  
Rush, Deanna  
Whittemore, James

Colcord, J D  
Fraser, Leo Jr  
Greco, Vincent  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Coes, Betsy  
Flanagan, Natalie  
Hutchinson, Karen  
Langley, Jane  
Norelli, Terie  
Quandt, Marshall  
Splaine, James  
Woekel, Ralph

Bowles, Raimond  
Cooney, Richard  
Gilbert, Jeffrey  
Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Quandt, Matthew  
Trueman, Raymond

Case, Margaret  
Cox, Russell  
Gleason, John  
Kelley, Jane  
McGuire, Robert  
Pantelakos, Laura  
Robertson, Carl  
Weatherspoon, Jacquelyne

Clark, Martha Fuller  
DiFruscia, Anthony  
Holland, James Jr  
Kobel, Rudolph  
Micklon, Stephanie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Whittier, John

**STRAFFORD**

Albert, Russell  
Callaghan, Frank  
Ferland, Paul  
Heon, Richard  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

Berube, Roger  
DeChane, Marlene  
Gilmore, Gary  
Hughes, Christopher  
Pelletier, Arthur  
Smith, Marjorie  
Twombly, James

Brennan, William  
Dunlap, Patricia  
Goodwin, Earle  
Johnson, Nancy  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Grassie, Anne  
Knowles, William  
Reid, Christopher  
Spang, Judith  
Woodill, Rodney

**SULLIVAN**

Allison, David  
Franklin, Peter

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

**NAYS 153****BELKNAP**

Bartlett, Gordon  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Rosen, Ralph

Czech, Stanley  
Russell, David

Holbrook, Robert  
Thomas, John

**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Lyman, L Randy  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

**COOS**

Gallus, John  
Woodward, David

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

**GRAFTON**

Barker, Robert  
Giuda, Robert  
Sova, Charles

Cobb, John  
Marshall, Gene  
Ward, Brien

Dudley, Terri  
Mirski, Paul

Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Eaton, Richard  
Flora, Kathleen  
Hall, Charles  
Kurk, Neal  
Mercer, Robert  
Reeves, Sandra  
Vaillancourt, Steve

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Emerton, Lawrence Sr  
Goulet, Maurice  
Herman, Keith  
L'Heureux, Robert  
Milligan, Robert  
Souza, Kathleen  
White, Donald

Arnold, Thomas Jr  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Fields, Dennis  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
Moran, Edward  
Tate, Joan

Artz, Lawrence  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Fletcher, Richard  
Guinta, Frank  
Jean, Loren  
McRae, Karen  
Pepino, Leo  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Lockwood, Priscilla  
Winter, Steven

Cummings, Raymond  
L'Heureux, Stephen  
Poulin, David

Dunne, Christopher  
Langer, Ray  
Swindlehurst, John

Hutchinson, John  
Leber, William  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Dowling, Patricia  
Gilbert, Karl  
Henderson, Warren  
Johnson, Robert  
Kelley, William  
Moore, Benjamin  
Putnam, Ed II  
Sapareto, Frank  
Varrell, Thomas

Camm, Kevin  
Corbin, Corey  
Fesh, Bob  
Giordano, Ronald  
Hill, Jonathan  
Johnson, Rogers  
Letourneau, Robert  
Morse, Charles  
Rausch, James  
Sloan, Stephen  
Welch, David

Carson, Sharon  
Dalrymple, Janeen  
Flanders, John Sr  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Packard, Shernan  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

Chalbeck, Kevin  
Dodge, Robert  
Francoeur, Sheila  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
McKinney, Betsy  
Priestley, Anne  
Saia, Pamela  
Stritch, C Donald  
Zolla, William

**STRAFFORD**

Bickford, David  
Woods, Phyllis

Cossette, Larry

Musler, George

Tsiros, William

**SULLIVAN**

Jones, Constance

Odell, Bob

Rodeschin, Beverly

and the motion was adopted.

Ordered to third reading.

**CLERK'S NOTE**

**HB 469-FN-L**, relative to the applicable minimum wage for hourly employees, is included in the third reading and final passage motion of May 17, 2001.

Rep. Scanlan moved that the May 3, 2001 session of the House be adjourned.

Adopted.

**SESSION OF THURSDAY, MAY 17, 2001**

The session of Thursday, May 17, 2001 was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, The Reverend Frances Potter from Concord.

Blessed Creator of all that is seen and unseen. We know that all our days are embraced by Your compassion. We give You thanks today for the life of Walter Mikowski, for his service to our country and for his dedication to this House. We pray that You will receive him now into larger life as You comfort and support his children and all who love him. Bless the work of this House and may all that is done here reflect Your love for all the citizens of our New Hampshire. Amen

Rep. Robert Wheeler led the Pledge of Allegiance.

Carrie Constant and Barbara Zerillo, students from Bishop Brady High School, sang our National Anthem.

**LEAVES OF ABSENCE**

Reps. Belanger, Cardin, Crosby, Donald Flanders, Furman, Nowe, Power and Irene Pratt, the day, illness.

Reps. Bishop, Bridle, Clayton, Dearborn, Duval, Stephanie Eaton, Flint, Betty Hall, Harrington, Hess, Hopper, Naida Kaen, Leone, Lessard, O'Connell, Marsha Pelletier, Quimby, Robb, and Tahir the day, important business.

Rep. Messier, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Linda Cotter, sister of Rep. Marjorie Smith. Former Representative Everett A. Weare, guest of Rep. Dodge. Anne Maxwell, sister of Rep. Frank Davis. Stephanie Langone, granddaughter of Rep. Dudley. Students from Plymouth Regional High School and their teacher, Richard Hanson, guests of Reps. Cooney and Naro. Fourth grade students from Thornton's Ferry Elementary School, guests of the Merrimack Delegation.

**SPECIAL GUESTS**

USA Archery Team members, Kristi Nelson of Loudon, a silver medalist and Ariel Heller of Wilton, a gold medalist, students who have competed in national and world archery competitions, guests of the House. Members of Interlakes High School Math Team, winners of the 2001 State Math Meet for small schools, guests of the House.

**COMMUNICATION**

May 9, 2001

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this Day:

Cheshire 11, George J. Liebl, r, Swanzey (12 Centerview Circle) 03446

William M. Gardner, Secretary of State



**HOUSE RESOLUTION No. 12**

Memorializing State Representative Walter J. Mikowski of Londonderry

WHEREAS, it is with great sadness that we have learned of the death of our friend and colleague Walter J. Mikowski of Londonderry, who was in his third consecutive term as a dedicated member of the House of Representatives; and

WHEREAS, during his tenure in the House, Walter J. Mikowski served with dignity as a valued and respected member of the Committee on Criminal Justice and Public Safety; and

WHEREAS, having served in the United States Army from 1958 to 1979, retiring after twenty-one years of service, Walter J. Mikowski was an active member of the Veterans of Foreign Wars, the American Legion and the Disabled American Veterans; and

WHEREAS, Walter J. Mikowski was an enthusiastic participant in activities of the Londonderry Gridiron and Booster Clubs and could often be found at local high school sporting events, involved in everything from selling hot dogs to ardently cheering for the teams; and

WHEREAS, Walter J. Mikowski rendered service to his community for many years as an officer and member of the Londonderry Lions Club; and

WHEREAS, Walter J. Mikowski, having known great personal sorrow and loss, was sustained by the love and care of his family of three children and four grandchildren; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that Walter J. Mikowski be granted high praise and recognition for his dedicated legislative service and for his like service to the Londonderry community, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a suitable copy of this Resolution be prepared for presentation to his family. Unanimously adopted by a rising vote.

Rep. Letourneau moved that the remarks made by Rep. Packard be printed in the Permanent Journal. Adopted.

**REMARKS**

Rep. Packard: Thank you, Mr. Speaker. At this time I would like to recognize some special guests we have in the gallery this morning, the family of Rep. Mikowski: Walter Mikowski, Jr., his son; Karen McCord, his daughter; Greg McCord, his son-in-law; Arianna McCord, his granddaughter; Julia Mikowski, his daughter; James Gamache, Julia's fiancée; Sandy and Dave Madigan, sister-in-law and brother-in-law; Harry Allen, brother-in-law; Pamela Hunt, his niece; and Ralph Leone, Miriam and Michelle Dilger who are friends of Walter.

We have lost a very valued colleague and I have lost a very dear friend. I got Walter to run for this office and he always said he was going to pay me back some day. Even though he loved this institution tremendously, he used to kid me constantly. We served in the Lions Club together and have known each other for over 20 years. He had a tremendous loss last year with the loss of his wife. I just can't imagine what his children are going through now. All I know now is that Walter is now with Ethel up there and may God bless them both.

**MOTIONS TO VACATE**

Rep. Musler moved that the House vacate the reference of **HB 392**, establishing a committee to study the property tax status for land of agricultural fairs, to the Committee on Environment and Agriculture.

Adopted and referred to Municipal and County Government.

Rep. Musler moved that the House vacate the reference of **SB 16-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor, to the Committee on Environment and Agriculture.

Adopted and referred to Finance.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 56**, relative to health care providers discontinuing service in New Hampshire, removed by Rep. Hunt. Consent Calendar adopted.

**SB 40**, changing the method by which the insurance department assesses insurers to fund its administration fund. **OUGHT TO PASS**

Rep. Martha Fuller Clark for Commerce: SB 40 will change the method by which the insurance department assesses insurers to fund its administrative operations. Currently the insurance department receives no general operating funds from the state. New Hampshire is one of only six or seven states that provide no state money to fund its insurance department. Therefore the department must rely on fees from the insurance companies it oversees to fund its operations. With a shrinking number of in-state insurance companies particularly in the health care field, it makes sense for the department to widen its net by adding out-of-state insurance companies that do business within the state. The committee heard no opposition to the recommended changes as proposed by this bill. Vote 13-0.

**SB 57**, relative to the economic development matching grants program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill expands the economic development matching grants program in two ways. It permits certain organizations to participate in the program, along with counties and municipalities, subject to approval by the screening committee and the commissioner of the Department of Resources and Economic Development. It also permits inclusion of workforce recruitment efforts to enhance the economic development climate in New Hampshire. Vote 12-0.

#### Amendment (1159h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Economic Development Matching Grants Program; Organizations Added. Amend RSA 12-A:32, I to read as follows:

I. The department of resources and economic development shall administer an economic development matching grants program in cooperation with a program screening committee. The funds appropriated for this program shall be expended for grants for programs entered into by municipalities ~~[and]~~, counties, *and organizations* which are designed to promote the location of new businesses in the state of New Hampshire *or to encourage workforce recruitment efforts*.

2 Economic Development Matching Grants Program; Organizations Added. Amend RSA 12-A:32, V to read as follows:

V. Funds appropriated to the program shall only be made available to municipalities ~~[and]~~, counties, *and organizations* as may be certified by the screening committee with the approval of the commissioner of the department of resources and economic development.

Amend the bill by replacing section 4 with the following:

4 Economic Development Matching Grants Program Rulemaking; Organizations Added. Amend RSA 12-A:32, IX(b) to read as follows:

(b) The procedures and criteria used to certify municipalities ~~[and]~~, counties, *and organizations* eligible for matching grants.

#### AMENDED ANALYSIS

This bill permits organizations that promote new businesses or encourage workforce recruitment efforts to participate in the economic development matching grants program. The bill also allows grant recipients to use the funds for workforce recruitment efforts and related travel costs.

**SB 25**, relative to preliminary breath tests. **OUGHT TO PASS**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill would amend RSA 265:92-a by providing that the results of preliminary alcohol breath tests may be admissible in court for the sole purpose of showing probable cause for the arrest. These tests are performed using a hand-held device that is calibrated and certified in the same manner as blood alcohol units currently used in the state. An individual who may not be able to perform a field sobriety test due to physical infirmities or handicaps may be able to avoid the detention if the preliminary test indicates alcohol is not present in any quantity that would impair one's ability to drive. This test is also less threatening to an individual than the field sobriety tests when the stop occurs in an individual's neighborhood or a very public area. The NH Police Chiefs, NH Liquor Enforcement, and the NH Fish and Game testified in support of this bill. Vote 12-0.

**SB 27**, allowing the state to apply for review of a state prison sentence by the superior court's review division. **OUGHT TO PASS**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill allows the state to apply for a sentence review. Currently only the defendant can apply for this review. This action has to take place within 30 days after the imposition of the sentence. Vote 12-0.

**SB 44**, relative to false academic documentation. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill creates a class A misdemeanor for false academic documentation. Testimony cited an example of an individual representing possession of a college degree with a grade point average of 3.7. As a result, the individual was hired to a position over other qualified candidates who had spent thousands of dollars and countless hours pursuing a legitimate degree. This type of fraud is escalating to the point that "diploma mills" are flourishing on the Internet. Vote 11-1.

**SB 14**, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles E. Sova for Education: The committee found that this basic bill was merely a housekeeping vehicle requested by the Department of Education to clarify New Hampshire statutes definition of "school" for the purpose of being able to take advantage of existing programs. The amendment which legalizes the Mascoma Valley and Bartlett school district meetings due to lack of compliance with certain state laws was justified since there were no close elections nor warrant article votes in either case; and it was time to bring closure to the process in both districts so that they could get on with the districts' business. In both cases, this action was recommended as the least disruptive path to follow. Vote 12-0.

#### Amendment (1040h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the definition of "school" for the purpose of the universal service fund for schools and libraries and ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett school districts.

Amend the bill by replacing all after section 1 with the following:

2 Ratification of the Mascoma Valley Regional School District Election and Annual Meeting. Notwithstanding any provision of law to the contrary, all actions taken by the Mascoma Valley Regional school district at its deliberative session and official ballot voting session on February 10, 2001 and March 13, 2001, respectively, shall not be invalidated due to lack of compliance with the budgetary requirements of RSA 32.

3 Ratification of the Bartlett School District Election and Meetings. Notwithstanding any provision of law to the contrary, all actions taken by the Bartlett School District in electing its officers on March 13, 2001, at the deliberative session held on March 20, 2001, and at the recessed deliberative session held on April 5, 2001, shall not be invalidated due to lack of compliance with the warning and posting provisions of RSA 197:1-g, RSA 197:5, and RSA 197:7.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill inserts a definition of "school" into state law for the purpose of the universal service fund for schools and libraries. This bill also ratifies the school board meetings and elections for Mascoma Valley Regional school district and the Bartlett school district.

**SB 15**, extending the reporting date for the commission on the status of community-technical education. **OUGHT TO PASS**

Rep. J. D. Colcord for Education: This bill extends the reporting date of the commission on the status of community-technical education to no later than November 1, 2002. Vote 12-0.

**SB 92**, relative to the distribution of special education funds. **OUGHT TO PASS**

Rep. Debra A. Naro for Education: This bill was introduced at the request of the Department of Education. It repeals the reference governing the distribution of special education funds (Augenblick and Foundation Aid), as that language is now obsolete. Vote 12-0.



**SB 72-FN**, relative to payment of medical benefits costs for group II members of the retirement system. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill extends the date of eligibility of permanent policemen and permanent firemen for the medical insurance subsidy. This bill will cover those who became permanent police officers and permanent firefighters before July 1, 2002. The cost of this benefit will be terminally funded from the appropriate group II component of the New Hampshire retirement system special account. The total cost is 35.2 million dollars. There are sufficient funds in the special account for funding. Vote 17-0.

Referred to Finance.

**SB 11**, extending the reporting date of the committee to study and identify or establish the duties of the fish and game commission. **OUGHT TO PASS**

Rep. Eric G. Stohl for Fish and Game: This bill requests an extension of one year for the reporting date of the study committee. While the current law requires a Commission form of administration for the Fish and Game Department, it does not specify what the Commission's exact duties are. The study committee could not complete the required task in the allotted time. The reporting date was to have been November 1, 2000; and the sponsor is requesting the new date to be November 1, 2001. The committee feels this is a reasonable request and supports the extension of time. Vote 16-0.

**SB 12**, relative to applications for the cooperative fencing program and the depredation permit program in the fish and game department. **OUGHT TO PASS**

Rep. Vincent E. Greco for Fish and Game: This bill merely changes the application date from May to April for the cooperative fencing program. By applying earlier, farmers are able to put the fencing in place sooner. Vote 15-1.

**SB 37**, extending the reporting date for the committee studying prescription drug access. **OUGHT TO PASS**

Rep. Phyllis Katsakiores for Health, Human Services and Elderly Affairs: The Prescription Drug Study Committee has carefully reviewed the myriad of issues raised in addressing access to prescription medications for elderly and low-income New Hampshire citizens. In November 2000, the study committee issued a report outlining various public and private initiatives, such as the NH Medication Bridge program that provides access to free medications for the uninsured and the Tri-State Coalition (Maine/NH/Vermont) to create a purchasing cooperative. The committee unanimously supports extending this important study committee as this is a complex issue and needs additional study time. Vote 16-0.

**SB 150**, relative to community services for persons with developmental disabilities. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: A little more than a decade ago, Laconia State School was closed. Since then, strong community support has grown for individuals with developmental disabilities. This bill deletes references dating back to the school and emphasizes the states' commitment to consumer directed community-based services for the developmentally disabled. The committee believes these "housekeeping" changes are important and timely. Vote 15-0.

**HB 490**, requiring public access to law libraries. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher P. Reid for Judiciary: This bill would make all law libraries supported by public funds open to the public. The committee supports the idea of making legal research materials available to the public through local libraries and the internet. The publicly funded law library at the New Hampshire Supreme Court is now and should be open to the public. This bill is too broad and may have Article 28-a problems. "Law library" is not defined. Many state agencies, county attorneys' offices, public defenders' offices, judges' chambers and local prosecutors have small publicly funded law libraries. For example, the Department of Justice has a law library where prosecutors do research and prepare cases. To open this library to the public would create logistical problems, confidentiality problems, and security problems, and could pose significant costs. The same would be true for county attorneys' law libraries. We contend that this would create an unfunded mandate, as well. Vote 12-0.

**SB 18**, relative to termination of small trusts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This bill authorizes a method for the termination of small trusts, in this case, trusts having an asset value of \$50,000 or less. There are many small trusts, some



established in the 19th and 20th century with a capital amount that may have been substantial at the time the trust was formed, but small now after the passage of time. Most of these trusts do not earn enough income to pay the trust expenses and are slowly being liquidated through the annual trust management expenses. This bill provides a procedure for the termination of the trusts through a petition filed with the Probate Court. Since some are charitable trusts, the amended bill also mandates the continuing recognition of the trust in city and town records, as was recorded prior to the trust being terminated. The bill provides for a thorough notification of all interested parties by the Probate Court prior to the termination of the small trust. Vote 13-0.

#### **Amendment (1056h)**

Amend RSA 564:15-a, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) Upon receiving such a petition for a testamentary trust, the court shall schedule a hearing and notify all known beneficiaries of the date and time of the hearing, unless assents have been filed from all known beneficiaries. Upon receiving such a petition for any other trust, the court shall issue orders of notice, unless assents have been filed from all known beneficiaries.

(b) The court may grant the petition and order termination of the trust and distribution of the assets, or deny the petition.

(c) Any charitable trust so terminated shall continue to be listed in any records and notices in all municipalities in which it had been previously published.

#### **SB 20, relative to possessory actions instituted on the basis of nonpayment of rent. OUGHT TO PASS WITH AMENDMENT**

Rep. eter S. Espiefs for Judiciary: Under existing law all rents paid to the District Court by the tenant during the tenant's appeal to the Supreme Court are effectively "locked up" with the District Court until final disposition of the appeal. This creates a hardship for the landlord who gets no rent during the long appeal period. The amendment provides an expedient and equitable process that enables the District Court to consider the release of the collected rent during the pendency of the tenant's appeal. The District Court's consideration is triggered by the landlord filing a motion requesting release of the rent to the landlord, to which the tenant may object. The Court then determines whether, and to what extent, the rent ought to be released to the landlord. In the event of a partial or total denial of the landlord's motion, the Court must make specific findings supporting its decision. Any remaining rent retained by the Court is apportioned by it upon final disposition of the tenant's appeal. Vote 13-0.

#### **Amendment (1026h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Change. Amend RSA 540:25, I to read as follows:

I. If the possessory action was instituted on the basis of nonpayment of rent, and the defendant files a notice of intent to appeal, the defendant shall pay into court the current rent in an amount determined by the judgment of the court pursuant to RSA 540:14, I, weekly and in advance. Payment of rent for one week must be made at the time the defendant files notice of intent to appeal in the district court. Rent which had been payable on other than a weekly basis shall be paid to the court each week based on the equivalent weekly rent determined by the judgment issued by the court, pursuant to RSA 540:14, I. During the pendency of the appeal, rent is payable on a weekly basis and is due on the same day of the week on which the notice of intent to appeal was filed. If rent is not paid by the due date, the court shall immediately mail a notice of default to the tenant and issue a writ of possession to the landlord. If, however, the tenant pays the clerk the entire amount of rent due since the filing of the notice of intent to appeal prior to the service of the writ by the sheriff, the writ of possession shall be recalled and the appeal shall be reinstated. Unless the appeal is reinstated, the district court shall vacate the appeal and award the plaintiff the rent money that has been paid into court. ~~[When the final decision on appeal is rendered, the money paid into court shall be apportioned between the plaintiff and the defendant, based on the amount of rent which is found to be due and owing as a result of the appeal.]~~

2 New Paragraph; Appeals of Possessory Action by Defendant; Landlord's Motion for Recovery of Rent Paid to Court. Amend RSA 540:25 by inserting after paragraph I the following new paragraph:

I-a. At any time during the pendency of the appeal, the landlord may file a motion to the district court for recovery of the rent money that has been paid into court pursuant to paragraph I. The court

may grant such motion unless the tenant objects and the court rules that the landlord is not lawfully entitled to the full amount of rent. If the court rules that the landlord is not entitled to the full amount of the rent, it shall release such portion of the rent to which the court deems the landlord is lawfully entitled, if any, and make specific findings in support of its decision to deny or partially deny the landlord's motion. The rent money retained by the court shall be apportioned between the landlord and the tenant upon final disposition of the appeal.

3 Effective Date. This act shall take effect January 1, 2001.

**SB 49, establishing a committee to study the creation of a landlord-tenant mediation project. OUGHT TO PASS**

Rep. James W. Craig for Judiciary: This bill establishes a committee to study the creation of a landlord-tenant mediation project. The committee felt that many tenants are young couples or single parents who do not know the landlord-tenant laws. Mediation may be a way to ensure that these and all people involved are treated more fairly and to ensure that cases that do not need to be before the courts are resolved fairly without getting there. A committee needs to look at the feasibility of mediating these cases, especially in light of the statutory requirement that landlord-tenant cases proceed quickly through the courts. Vote 13-0.

**SB 61, establishing a procedure for summary administration of estates. OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill streamlines procedures for closing probate when further court supervision of the estate's administration is no longer necessary. It sets forth the criteria by which a summary administration can take place. The amendment changes the effective date. Vote 12-0.

**Amendment (1148h)**

Amend RSA 553:32, I as inserted by section 1 of the bill by replacing it with the following:

I. This section shall apply to all estates, testate and intestate, other than those estates governed by RSA 553:31 and RSA 554:1-a.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 30 days after its passage.

**SB 63, relative to administration of estates and filing of wills by executors. OUGHT TO PASS**

Rep. Robert H. Rowe for Judiciary: There are many small estates of less than \$10,000 in probate assets. These estates are lengthy to probate and costly using the normal probate process. This bill allows these small testate and intestate estates to be probated in a short time period and at a modest expense without sacrificing probate thoroughness. Secondly, the bill makes a number of technical changes. Vote 12-0.

**SB 128, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury. OUGHT TO PASS WITH AMENDMENT**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: The committee removed by amendment the part of the bill that mirrored HB 232, which has already passed the House and Senate and awaits the Governor's signature. The remaining provisions of the bill deal with retirement issues. Vote 12-0.

**Amendment (1157h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to disability retirement benefits and mental injury.

Amend the bill by replacing all after the enacting clause with the following:

1 Disability Retirement Benefits; Group I. Amend RSA 100-A:6, I(c)(2)(C) to read as follows:

(C) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the employer, the employee's insurance carrier, or the commissioner of labor pursuant to RSA 281-A:43, *except that for any mental injury not found compensable because of the good faith exclusion in RSA 281-A:2, XI, the member shall have the opportunity to prove causation to the New Hampshire retirement system.*

2 Disability Retirement Benefits; Group II. Amend RSA 100-A:6, II(c)(2)(C) to read as follows:

(C) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the employer, the employee's insurance carrier, or the commissioner

of labor pursuant to RSA 281-A:43, *except that for any mental injury not found compensable because of the good faith exclusion in RSA 281-A:2, XI, the member shall have the opportunity to prove causation to the New Hampshire retirement system.*

3 Contingency. If HB 232 of the 2001 session of the legislature becomes law, then sections 1 and 2 of this act shall take effect on the effective date of HB 232. If HB 232 of the 2001 legislative session does not become law, sections 1 and 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

The bill also allows public employees the opportunity to prove causation to the New Hampshire retirement system relative to mental injuries.

Referred to the Committee on Executive Departments and Administration.

**HB 162-FN-L**, ratifying articles 28, 29 and 30 of the 2000 Hudson annual town meeting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ronald A. Giordano for Municipal and County Government: This bill ratifies the Mascoma Valley Regional and Bartlett School District 2001 annual meetings. Both school districts had procedural defects relative to their annual meetings and one remedy is to request the Legislature to legalize those meetings. The Municipal and County Government Committee supported this remedy. Vote 12-1.

### Amendment (1007h)

Amend the title of the bill by replacing it with the following:

AN ACT ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts.

Amend the bill by replacing all after the enacting clause with the following:

1 Ratification of the Mascoma Valley Regional School District Election and Annual Meeting. Notwithstanding any provision of law to the contrary, all actions taken by the Mascoma Valley Regional School District at its deliberative session and official ballot voting session on February 10, 2001 and March 13, 2001, respectively, shall not be invalidated due to lack of compliance with the budgetary requirements of RSA 32.

2 Ratification of the Bartlett School District Election and Meetings. Notwithstanding any provision of law to the contrary, all actions taken by the Bartlett School District in electing its officers on March 13, 2001, at the deliberative session held on March 20, 2001, and at the recessed deliberative session held on April 5, 2001, shall not be invalidated due to lack of compliance with the warning and posting provisions of RSA 197:1-g, RSA 197:5, and RSA 197:7.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill ratifies the school board meetings and elections for Mascoma Valley Regional School District and the Bartlett School District.

**HB 498**, relative to standards for records filed with a registry of deeds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Earle Goodwin for Municipal and County Government: This bill gives a register of deeds statutory authority to refuse any document not conforming to their standards, and at the same time provides the flexibility for individual registers to write their own guidelines. The NH Register of Deeds Association has spent three years addressing the document rejection problem and solutions that are being proposed on a national level. This legislation may solve this problem in the state of New Hampshire. Vote 15-0.

### Amendment (1140h)

Amend the bill by replacing section 1 with the following:

1 Registers of Deeds; Form of Records; Document Format Standards Required. Amend RSA 478:4-a, II to read as follows:

II. All documents shall be suitable for reproduction as determined by the register of deeds, who shall provide [~~guidelines concerning document quality~~] *document standards as amended and*



*adopted by the New Hampshire registers of deeds. The standards and any amendments thereto shall include a statement of their effective date, and shall be posted in and distributed by all registries of deeds for at least 60 days prior to such effective date.*

**SB 23-L**, relative to the amount of interest on late paid property taxes which may be waived by the tax collector. **OUGHT TO PASS**

Rep. Marilyn A. Fraser for Municipal and County Government: This bill increases the dollar amount of interest assessed on a late tax payment which may be waived by a tax collector if administrative costs do not warrant collection. This represents a small change in RSA 76:13 concerning interest being waived. The change is simply the amount of interest that MAY be waived from five (5) dollars to twenty-five (25) dollars. This change will have no affect on any municipality because it was and is only enabling to each community. Vote 15-0.

**SB 50**, relative to the abatement of taxes in unincorporated towns or unorganized places. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill authorizes County Commissioners for good cause, to abate any tax assessed by them or their predecessors including any portion of interest accrued on such tax in unincorporated towns or unorganized places in the same manner as municipalities. Additionally it establishes procedures for any person who is aggrieved by the commissioner's decision or lack thereof, to file an appeal with the Superior Court in the county where the property is located or with the Board of Tax and Land Appeals. Vote 15-0.

**SB 85**, relative to collateralization of municipal trust funds. **OUGHT TO PASS**

Rep. Kimberly O.M. Dionne for Municipal and County Government: This bill grants trustees of trust funds the authority to collateralize trust fund bank deposits in the same manner as municipal trust funds. Senate Bill 85 also clarifies the types of financial institutions that are required to provide a collateralization option. The Attorney General's office and the Bankers' Association testified in support of this bill. Vote 15-0.

**SB 169-FN**, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This bill repeals the appeal board for timber yield tax abatement and allows appeals to go to the Board of Tax and Land Appeals. Previously the Department of Revenue Administration was in conflict because it evaluated and enforced the timber yield tax and then acted as the appeal board. This bill would also eliminate the application fee and change the procedure for assignment of an operation number for notice of intent to cut. Vote 16-0.

#### Amendment (1146h)

Amend the bill by replacing section 1 with the following:

1 Timber Yield Tax; Appeal of Assessment. Amend RSA 79:8 to read as follows:

79:8 Appeal and Abatement. An owner may, within 90 days of notice of the tax, appeal to the assessing officials in writing for an abatement from the original assessment, but no owner shall be entitled to an abatement unless [he] *the owner* has complied with the provisions of RSA 79:10 and [H] *RSA 79:11*. If the assessing officials neglect or refuse to abate, an owner may, at his *or her* election within 6 months of notice of such tax and not afterwards, petition the superior court of the county where the operation took place, or the ~~[appeal board as provided for in RSA 79:7-a]~~ *board of tax and land appeals*. *The owner shall not be subject to a fee for filing such appeal with the board of tax and land appeals.* [The petition to the appeal board shall be filed with the commissioner of revenue administration and shall include the name and address of the appeal board member selected by the aggrieved owner.] *During the appeal, the board of tax and land appeals, on its own motion or by request of the owner or municipality made to the board of tax and land appeals, shall have the discretion to call upon the department of revenue administration and the division of forests and lands, department of resources and economic development, to provide expert testimony at no cost to the party.*

**SB 33**, relative to the definition of "campsite". **OUGHT TO PASS**

Rep. Pierre W. Bruno for Resources, Recreation and Development: SB 33, an act relative to the definition of a "campsite", makes a technical correction to statutory provisions that causes any



property owner having more than two (2) tents or recreational vehicles on their property to fall under state regulations and rules for campground owners. Last session, legislation regarding campsites at campgrounds was passed that inadvertently made statutory campgrounds of any property having any combination of tents or RVs greater than two (2). For example, under current statute, if you have three tents in your backyard, your private property is statutorily defined as a campground. This legislation simply corrects that oversight by recognizing that campgrounds are a business enterprise and charge a fee in exchange for the land parcel that is rented to the camper. Vote 14-2.

**SB 89**, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application. **OUGHT TO PASS**

Rep. Judith T. Spang for Resources, Recreation and Development: New Hampshire's shorelands are among the most valuable and fragile of the state's natural resources. New Hampshire now has over six years of experience with the 1991 Comprehensive Shoreland Protection Act. The committee agrees with the Department of Environmental Services (DES), which enforces the act, shoreland property owners, developers and local officials who testified that it is timely to review the strengths and weaknesses in the act and its implementation. Vote 15-1.

### REGULAR CALENDAR

**SB 73-FN**, relative to benefits awarded a surviving spouse of a police officer or firefighter killed in the line of duty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William R. Zolla for the Majority of Executive Departments and Administration: At the present time, the New Hampshire retirement system provides for the family until all children are 18 years of age or college students until the age of 23. The retirement system also provides for the spouse for life or until remarriage. This bill would have provided the spousal benefits even after remarriage. This makes a significant change in retirement policy. There would be a significant change in the retirement system and state insurance benefits. The bill deals with a few members of the retirement system. Members of other groups in the retirement system should be considered as well. Insurance benefits as well as annuity benefits need to be considered. The majority of the committee felt that all members should be considered at a later date. Any funds needed would come from the special account and would need legislative approval. Vote 14-6.

Rep. William K. Clayton for the Minority of Executive Departments and Administration: When a police officer or firefighter is killed in the line of duty, they have paid the ultimate sacrifice for their community. All too often, they leave behind a grieving spouse and children. Upon the death of the individual, their spouse is awarded the deceased's pension. Of course this does not fill the void of a lost loved one but does help to financially secure the grieving spouse. Under current law, the spouse receives this benefit until his/her death or remarriage. This bill would allow the spouse to remarry without fear of losing benefits. When trying to pick up the pieces after such a tragedy, the spouse should not have to be concerned with losing his/her financial stability and health insurance if he/she were to remarry. The spouse should have the freedom to move on with their lives. It is unfortunate under current conditions that one would have to choose between marrying again and financial security. If the second marriage were to fail because of divorce or death, the spouse would be left with nothing. In the view of the minority, this should be treated the same as any other death benefit. A benefit that no one would ever want to receive. Let's not punish the spouse for picking up the pieces after a tragedy and trying to move on with his/her life. Majority report adopted.

**SB 115-FN**, granting a cost of living adjustment to certain retired group II firefighters. **OUGHT TO PASS**

Rep. Robert K. Dodge for Executive Departments and Administration: The majority of the committee voted to grant a supplemental allowance, or COLA, to retired firefighters in the retirement system who retired on or before July 1, 1994. The minority of the committee contends that the reason no excess COLA's were paid prior to 1994 was due to a choice made by the firefighters between medical benefits and COLA's in those years. However, the majority of the committee, after reviewing the circumstances, determined that due to the inequitable compensation paid to firefighters during this time period, as evidenced by COLA comparisons between police and firefighters between the years of 1991 to 1996, (9.75% firefighters, 23.5% police) suggested that a one time increase in

the legislation was merited. Since there were previously no funds available in the special reserve fund to pay a COLA due to the 125% rule, the majority of the committee felt that now that funds are available we should grant to these retirees a cost of living adjustment that they deserve. Vote 13-5. Adopted.

Referred to Finance.

**HB 587-FN-A**, establishing a commission on the status of men, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence A. Emerton for Finance: After taking a second look at this bill, the Finance Committee agreed with the policy committee that the bill had distinct merit. Although the committee removed funding due to the state's fiscal concerns, the Commission may accept gifts, donations, and grants. It is the committee's hope that the Commission can operate with private assistance to further its duties and activities. Vote 13-7.

#### Amendment (0753h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission on the status of men.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

#### AMENDED ANALYSIS

This bill establishes a commission on the status of men to address issues of cultural bias and stereotyping, health problems unique to men, and methods for encouraging personal growth.

Adopted.

Report adopted and ordered to third reading.

**HB 658-FN-A**, relative to the homeless prevention fund and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Rogers J. Johnson for the Majority of Finance: The committee reheard this bill relative to the provision of state matching funds for the Housing Finance Authority. The enabling legislation, SB 128, that created the study committee on homelessness, was passed by voice vote by the House of Representatives only after all references to the general fund and the placeholder \$1 were removed from the bill. At that time, testimony was heard in the Finance Committee that the Department of Health and Human Services was pursuing federal dollars through Temporary Assistance to Needy Families (TANF). At the first hearing of this bill, the sponsor testified that there were two sources interested in donating \$2 million to the fund, but that they were to remain confidential. The sponsor has now identified one source of possible donations to the fund as being Provident Bank, but the level of contribution is now \$150,000. The sponsor indicated that more contributions would be solicited.

What was troubling to the Majority was that this new State Program could supplant the responsibility municipalities have statutorily assumed to provide general assistance to the needy. This new State Program would contradict the intent of SB 1 of the 1985 session which was a negotiated commitment between the municipalities, counties and the state on who pays for certain social services. Prior to SB 1 being enacted, municipalities were responsible for all general welfare assistance, aid to the permanently and totally disabled (APTD), nursing home care and juvenile costs for one year. In exchange for municipalities fully being responsible for general assistance, the county and state starting being liable for APTD, nursing home care and juvenile costs from day one. This bill, in essence, proposes that the state take back that responsibility. At the very least, it would create confusion about who should provide assistance and it would also create the need for all kinds of checking to avoid double dipping. This new State program would also provide funds for overdue rent payments, utility bills and car repairs, overlapping services now provided by other state resources. The Department of Health and Human Services currently provides \$1.3 million per year for temporary assistance. The just passed budget includes over \$850,000 in additional funds over the biennium for homeless shelters. In addition, a new fund has been created, providing over \$10.9 million per year for electric utility costs for low-income families.

Furthermore, the Federal Government provides an additional \$5.4 million for the homeless in New Hampshire through: (1) Projects for Assistance in Transition from Homelessness; (2) Emergency Transitional Prevention/Intervention (McKinney); (3) Outreach/Intervention for Unsheltered Homeless; (4) Homeless Housing Supportive Services; (5) Housing Opportunities for Persons with AIDS.

Finally, the committee was most concerned about the fact that the Legislature does not have the ability to exercise any oversight of the Housing Finance Authority. When this bill was first heard the committee voted ITL 12-10. Since the committee remains sympathetic to the plight of homeless, the committee agreed to recommit the bill, and upon reconsideration decided to recommend ought to pass on the policy and removed the funding provisions. Vote 14-8.

Rep. Marjorie K. Smith for the Minority of Finance: This is the third time this session that the House has been asked to vote on this bill. On March 22 the House accepted the unanimous recommendation of "Ought to Pass" of the Committee on Health, Human Services and Elderly Affairs and the bill was sent on to Finance. As originally reported out, the Finance Committee overrode the policy committee and House recommendations and voted, 12-10, to report the bill as "Inexpedient to Legislate". Because the bill was on the yet-to-be-completed April 19th calendar, the committee leadership had some time to reconsider the appropriateness of their decision and, on April 26th, asked the House to recommit the bill to Finance. On May 1, the committee voted to change its recommendation to "Ought to Pass with Amendment".

The amendment, while retaining the policy language, removes both the section which establishes legislative intent and, most important, the language which calls for the state to match one state dollar against every three private dollars donated for the purpose of preventing homelessness, up to a maximum of \$1 million state dollars, thereby creating a \$4 million fund.

A question was asked as to why the Department of Health and Human Services did not advocate for funds. Under the instructions of the governor, every department in the state was restricted from requesting funds for new programs. The only funding avenue available was through specific legislation. Some members of the Finance Committee will tell you that it is the cities and towns, not the state, which must meet the welfare needs of those in difficult circumstances. The local welfare officers report, however, that the single greatest upward pressure on their local funds is housing. They recognize that it is a lot more cost effective and socially beneficial to keep families in their homes than to try to find housing for them after they are homeless.

It is not reasonable to expect our 234 cities and towns to be able to create 234 separate programs to attract significant private dollars. The House can be penny wise, oppose the OTPA recommendation and approve this legislation as it came to Finance from the policy committee, or it can be pound foolish and approve this amendment, leaving the towns and cities to deal with the problem once people become homeless at a much greater financial and social cost.

#### **Amendment (1058h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the homeless prevention fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Housing Finance Authority; Program Design; Families on the Verge of Homelessness Given Highest Priority. RSA 204-C:83, III is repealed and reenacted to read as follows:

III. The goal of the program is to give emergency support to keep a family in its existing housing while providing assistance to stabilize the family. The program shall give the highest priority to low income families who are on the verge of homelessness due to expenses beyond their control, such as due to a severe rent burden, medical expense, or major car repair necessary to maintaining a job. The program shall also give priority to very-low-income persons or families in which:

(a) One or more of the adults in the family is working or in an employment training program.

(b) There is a minor child or children.

(c) There is one or more disabled persons as defined in 42 United States Code, Section 12102.

2 Effective Date. This act shall take effect July 1, 2001.

#### **AMENDED ANALYSIS**

The bill makes families who are threatened with homelessness the highest priority of the homeless prevention fund.

Reps. Marjorie Smith and Potter spoke against and yielded to questions.

Reps. Rogers Johnson and Wendelboe spoke in favor.

A roll call was requested, sufficiently seconded.

The question being adoption of the majority amendment.

**YEAS 193 NAYS 155**



**YEAS 193****BELKNAP**

Bartlett, Gordon  
Lawton, David  
Russell, David

Boyce, Laurie  
Nedeau, Stephen  
Thomas, John

Czech, Stanley  
Rice, Thomas Jr  
Wendelboe, Fran

Holbrook, Robert  
Rosen, Ralph

**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Lyman, L Randy  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Smith, Edwin

Dexter, Judson  
Liebl, George

Edwards, Dana  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

**COOS**

Gallus, John  
Rozeck, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Ward, Brien

Alger, John  
Gabler, William  
Mirski, Paul

Barker, Robert  
Gilman, G Michael  
Scanlan, David

Cobb, John  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Elliott, Larry  
Ford, Nancy  
Gonzalez, Carlos  
Hall, Charles  
Kurk, Neal  
McHugh, Claire  
Moran, Edward  
Rowe, Robert  
Spiess, Paul  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Goulet, Maurice  
Herman, Keith  
L'Heureux, Robert  
McRae, Karen  
Pappas, Marc  
Salts, Greg  
Tate, Joan  
Wheeler, Robert

Arnold, Thomas Jr  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Drisko, Richard  
Fields, Dennis  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
Mercer, Robert  
Pepino, Leo  
Seibel, Christopher  
Thompson, Rob  
White, Donald

Artz, Lawrence  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Dyer, Merton  
Fletcher, Richard  
Golding, William  
Guinta, Frank  
Jean, Loren  
LaRose, Richard  
Milligan, Robert  
Reeves, Sandra  
Souza, Kathleen  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Brewster, Richard  
Fraser, Leo Jr  
Langer, Ray  
Soltani, Tony

Colcord, J D  
Hutchinson, John  
Leber, William  
Swindlehurst, John

Cummings, Raymond  
Kennedy, Richard  
Maxfield, Roy  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Chalbeck, Kevin  
Cox, Russell  
Flanagan, Natalie  
Gilbert, Karl

Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Flanders, John Sr  
Giordano, Ronald

Carson, Sharon  
Cooney, Richard  
Dodge, Robert  
Francoeur, Sheila  
Griffin, Mary

Case, Margaret  
Corbin, Corey  
Fesh, Bob  
Gilbert, Jeffrey  
Henderson, Warren



Hill, Jonathan  
Johnson, Robert  
Kelley, William  
McKinney, Betsy  
Palermo, Diane  
Quandt, Matthew  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
Moore, Benjamin  
Priestley, Anne  
Rausch, James  
Sloan, Stephen  
Welch, David

Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Saia, Pamela  
Stritch, C Donald  
Whittier, John

## STRAFFORD

Albert, Russell  
Tsiros, William

Cossette, Larry  
Twombly, James

McCarthy, Gerald  
Woods, Phyllis

Musler, George

## SULLIVAN

Jones, Constance

Odell, Bob

Rodeschin, Beverly

## NAYS 155

## BELKNAP

Johnson, William  
Wood, Jane

Millham, Alida

Pilliod, James

Salatiello, Thomas

## CARROLL

None

## CHESHIRE

Allen, Peter  
Emerson, Susan  
Meader, David  
Weed, Charles

Batchelder, Robert  
Espieffs, Peter  
Mitchell, McKim  
Zerba, Roger

Burnham, Daniel  
Manning, Joseph  
Pratt, John

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara

## COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

## GRAFTON

Almy, Susan  
Naro, Debra  
Sokol, Hilda

Benn, Bernard  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion  
Williams, Burton

Lovett, Sid  
Scovner, Nancy

## HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond  
Craig, James  
Eaton, Richard  
Goley, Jeffrey  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
Movsesian, Lori  
Schulze, Joan

Baroody, Benjamin  
Clemons, Jane  
Daigle, Robert  
Flora, Kathleen  
Gorman, Mary  
Kacavas, John  
Leach, Edward  
Martin, Mary Ellen  
Palangas, Eric  
Shaw, Barbara

Bellavance, Paul  
Cote, David  
Dokmo, Cynthia  
Foster, Linda  
Graham, John  
Keye, Harvey  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Panagopoulos, Nicholas  
White, John

Bergin, Peter  
Cote, Peter  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Jean, Claudette  
Konys, Christine  
Leishman, Peter  
Melcher, Harold  
Peterson, Andrew  
Williams, Carol

## MERRIMACK

Bouchard, Candace  
Feuerstein, Martin  
Greco, Vincent  
MacKay, James  
Potter, Frances  
Seldin, Gloria

Clarke, Claire  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Davis, Frank  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

## ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Gleason, John
Hamel, Albert	Kane, Cecelia	Kelley, Jane	Langley, Jane
Langone, John	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

## STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
Pelletier, Arthur	Proulx, Raymond	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

## SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Harris, Joseph	Harris, Sandra	Phinizy, James	

and the majority amendment was adopted.  
Majority report adopted and ordered to third reading.

**SB 42**, relative to charges for access to medical records. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janeen Dalrymple for the Majority of Health, Human Services and Elderly Affairs: The committee was asked to consider what is a reasonable rate to be charged for the retrieval and processing of a medical record. Testimony provided to the committee supported that such charges were often made at rates exceeding what is considered “a reasonable rate.” The Senate sponsor of the bill established evidence that charges are being made exceeding reasonableness as called for in the statute. After an extensive work session, the Health and Human Services Committee voted to increase the charges from a charge not to exceed \$5.00 or \$.50 a page, whichever is greater, to a fee not to exceed \$15.00 for the first 30 pages or \$.50 per page, whichever is greater. In addition, the committee proposal would require medical facilities to charge reasonable rates for films, such as sonograms, x-rays and other specialty tests. The committee determined that the increase in the rates would partially compensate the medical facilities and would ensure patients would receive their medical records at a reasonable cost. The bill would also ensure that, as an option, medical facilities could continue to provide medical records free of charge. Vote 12-4.

Rep. Susan Emerson for the Minority of Health, Human Services and Elderly Affairs: The proposed legislation relative to charges for access to medical records intends to place a cap on the amount that a health care facility can charge for such services. The proposed rate was initially set at fifty (50) cents per sheet copied with a maximum for all services being no more than five (5) dollars. The inherent costs of such labor intensive tasks were obviously not taken into account by the authors of the bill because had they considered wages, copier time, toner and paper costs alone, they would have clearly seen that a five (5) dollar maximum charge would not even begin to cover the treatment facility’s basic costs. A simple clerk often cannot review a medical chart and select proper portions for release. It very often requires the skills of a highly trained medical information specialist to perform such a delicate task. Often, such a review takes several hours of the specialist’s time – time for which the treatment facility should be compensated. The Senate amended SB 42 by raising the cap to fifteen (15) dollars for the first thirty (30) pages, or fifty (50) cents per page, which ever is greater and allowed special records such as radiology to be copied at a “reasonable cost”. These amendments, in my opinion, were simply meant to appease the opposition and again the costs were arbitrarily arrived at, not taking into consideration any of the variables so clearly delineated in testimony. Not only is the New Hampshire Health Information Management Association against SB42 as written, so is the New Hampshire Medical Society.

This proposed legislation is favored by the lawyers and opposed by the health care professionals because it favors the legal profession and financially harms the healthcare profession. I can foresee

a lawyer asking for "all of the medical records" in a particular case and the medical records people carrying hundreds and hundreds of pages of history and physical progress notes, nurses' notes, consultations, physicians' orders, laboratory results, radiology reports, surgical notes, anesthesia notes, pathology reports and discharge summaries. The final product may cost the medical facility several hundred dollars spent in time and effort all for a \$15.00 fee sent to them by the lawyer plus \$.50 per page after 30 pages.

This bill represents the State's attempting to micro-manage one small portion of the healthcare industry. It is arbitrary and favors one professional group over another. We do not need to legislate the costs of medical record copying. We have more important issues to occupy our time.

#### Amendment (1042h)

Amend the bill by replacing all after the enacting clause with the following:

1 Charges for Medical Records; Residential Care and Health Facilities. Amend RSA 151:21, X to read as follows:

X. The patient shall be ensured confidential treatment of all information contained in the patient's personal and clinical record, including that stored in an automatic data bank, and the patient's written consent shall be required for the release of information to anyone not otherwise authorized by law to receive it. Medical information contained in the medical records at any facility licensed under this chapter shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records[~~for a reasonable cost,~~] upon request. *The charge for the copying of a patient's medical records shall not exceed \$15 for the first 30 pages or \$.50 per page, whichever is greater; provided, that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost.*

2 Charges for Medical Records; Medical Providers Under Title XX. Amend RSA 332-I:1, I to read as follows:

I. The medical information contained in the medical records in the possession of any health care provider shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records[~~for a reasonable cost,~~] upon request. *The charge for the copying of a patient's medical records shall not exceed \$15 for the first 30 pages or \$.50 per page, whichever is greater; provided, that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost.*

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill entitles a patient to certain copies of the patient's medical records for a charge which shall not exceed \$15 for the first 30 pages or \$.50 per page, whichever is greater; provided that filmed records shall be copied for a reasonable charge.

Majority amendment adopted.

Rep. Pilliod spoke against.

Reps. Dalrymple and Batula spoke in favor.

Majority report adopted and ordered to third reading.

Rep. Kacavas declared a conflict of interest and did not vote.

#### HB 352, limiting railroad liability for passenger rail service. INEXPEDIENT TO LEGISLATE

Rep. Larry G. Elliott for Judiciary: This bill deals with railroad liability. After an exhaustive process which included interim study of the bill from last year and five subcommittee hearings totaling numerous hours of testimony and dedication of the subcommittee members, we found the bill to be inexpedient to Legislate. A similar bill was killed by the House Commerce Committee in 1996. In 1997, the bill was killed on constitutional grounds by the House Transportation Committee. In 1999, the bill was recommended for Interim Study by the Judiciary Committee. The reasons for ITL are as follow: (1) The Carson v. Maurer Supreme Court decision stated that liability caps are inherently unfair and unconstitutional. The legislation before us would have placed a \$75 million cap for liability of passenger rail operators maintaining rail lines in the State of New Hampshire. The owner of the rail lines in this case would only allow transportation of passengers over its freight service lines if the state gave them full indemnity. In other words, the rail company wants zero liability for passengers on their rail service. It is our understanding from the Department of Transportation that they will negotiate a contract of zero liability for the rail service whether or not we pass a \$75 million cap. (2) There has been much



misinformation (or at least confusing testimony) provided to the committee surrounding the project from Boston to Nashua. It has repeatedly been stated that without a \$75 million cap passenger rail service would not come into the State of New Hampshire. The committee found these statements to be untrue based on the testimony of Department of Transportation consultants. They went on record in the subcommittee as saying that if liability caps do not pass, they will continue to work to provide passenger rail service to southern New Hampshire. (3) The committee tried to obtain and was unable to obtain the information surrounding how much an insurance policy would cost if we were to purchase it at a \$75 million cap versus an unlimited cap. What we do know is that the State of Massachusetts for the greater Boston area pays a \$610,000 annual premium with a \$75 million cap for train service, subways, bus service, and water taxi service. We recognize that the State of Massachusetts has perhaps millions of people using their public transportation system, whereas in New Hampshire we project in the neighborhood of 1,000 people a day riding the railroads and only for approximately four miles to the Massachusetts/New Hampshire line. We believe we could get an insurance policy without a liability cap for less than \$610,000 annually. (4) The committee felt that it would be unfair to retain this bill for the sole purpose of providing a perception during the letter of intent period that the committee was in favor of the liability cap when in fact the majority of the committee is opposed to capping liability actions. By allowing the bill to linger in retention, it would provide a false perception to those negotiating on behalf of the State of New Hampshire to bring in passenger rail service. If the bill were killed next January, those individuals would have to start re-negotiating at ground zero. The committee further felt that failure to act at this time would box the committee in and force us to pass liability caps because it would be unfair for us to allow the state to negotiate in bad faith. The majority of the House Judiciary Committee wishes to go on record as supporting passenger rail service. However, limiting the liability of private entities is not the way to bring good passenger rail service to the State of New Hampshire. We urge the Department of Transportation to negotiate to bring passenger rail service to New Hampshire without liability caps. The committee further found no impediments to prevent them from accomplishing the goal of responsible rail service and allowing our citizens to recover damages should any occur. Vote 10-2.

Rep. Bergin moved Recommit to committee, spoke in favor and yielded to questions.

Rep. Mock spoke against.

On a division vote, 130 members having voted in the affirmative and 217 in the negative, the motion failed.

Report adopted.

Rep. Reid filed a conflict of interest and did not participate.

**SB 35**, relative to a term for the chief justice of the supreme court. **OUGHT TO PASS**

Rep. Loren J. Jean for Judiciary: The committee felt this to be another appropriate judicial reform measure. A five-year term for the Chief Justice, much like the terms of our State department heads, is a reasonable step. Too much influence is likely to build in a lifetime appointment. Every justice that has the capacity to serve as an Associate Justice also has the capacity to serve as Chief Justice, and could serve honorably in that position. Vote 14-0.

Adopted and ordered to third reading.

## **BILL REMOVED FROM CONSENT CALENDAR**

**SB 56**, relative to health care providers discontinuing service in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Commerce: Under SB 56 health insurance companies who have discontinued services in NH were requesting a waiver from the 5-year prohibition before they could offer health insurance again. The insurance department informed the committee that the changes proposed in SB 56 would be in violation of federal health insurance laws, and they requested that this bill be withdrawn. Vote 13-0.

Rep. Hunt moved Recommit to committee and spoke in favor.

Adopted

Recommitted to Commerce.

## **SUSPENSION OF THE RULES**

Reps. Scanlan and Burling moved that House Rules be so far suspended as to permit the deadline of Friday, May 25, 2001, the last day to sign-off all supplemental bills, to be moved to Friday, June 8, 2001 at 3:00 p.m.

Adopted by the necessary two-thirds.



## SENATE MESSAGES

## REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 142**, establishing a committee to study encryption of confidential information. (Amendments printed in SJ 3/29/01)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 143**, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire. (Amendment printed in SJ 3/29/01)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 433**, clarifying the duties of the oversight committee on health and human services. (Amendment printed in SJ 3/29/01)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 230**, relative to scheduled permanent impairment awards under the workers' compensation law. (Amendment printed in SJ 3/29/01)

Rep. Gilman moved that the House concur and spoke in favor.

Adopted.

**HB 107**, naming a certain bridge in the town of Milford. (Amendment printed in SJ 4/12/01)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

**HB 369**, relative to driving in highway construction and maintenance areas. (Amendment printed in SJ 5/01/01)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 367-L**, relative to the establishment of a town forest in the town of Randolph. (Amendment printed in SJ 4/19/01)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

**HB 238**, relative to interstate banking. (Amendment printed in SJ 03/29/01)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Leo Fraser, Marshall and Tara Reardon.

**HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (Amendment printed in SJ 03/29/01)

Rep. Batula moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Batula, Burnham, Manning and Seldin.

## RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 24, 2001 at 10:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

**HB 469-FN-L**, relative to the applicable minimum wage for hourly employees.

**SB 40**, changing the method by which the insurance department assesses insurers to fund its administration fund.

*SB 57*, relative to the economic development matching grants program.

*SB 25*, relative to preliminary breath tests.

*SB 27*, allowing the state to apply for review of a state prison sentence by the superior court's review division.

*SB 44*, relative to false academic documentation.

*SB 14*, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries.

*SB 15*, extending the reporting date for the commission on the status of community-technical education.

*SB 92*, relative to the distribution of special education funds.

*SB 11*, extending the reporting date of the committee to study and identify or establish the duties of the fish and game commission.

*SB 12*, relative to applications for the cooperative fencing program and the depredation permit program in the fish and game department.

*SB 37*, extending the reporting date for the committee studying prescription drug access.

*SB 150*, relative to community services for persons with developmental disabilities.

*SB 18*, relative to termination of small trusts.

*SB 20*, relative to possessory actions instituted on the basis of nonpayment of rent.

*SB 49*, establishing a committee to study the creation of a landlord-tenant mediation project.

*SB 61*, establishing a procedure for summary administration of estates.

*SB 63*, relative to administration of estates and filing of wills by executors.

*HB 162-FN-L*, ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts.

*HB 498*, relative to standards for records filed with a registry of deeds.

*SB 23-L*, relative to the amount of interest on late paid property taxes which may be waived by the tax collector.

*SB 50*, relative to the abatement of taxes in unincorporated towns or unorganized places.

*SB 85*, relative to collateralization of municipal trust funds.

*SB 169-FN*, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut.

*SB 33*, relative to the definition of "campsite".

*SB 89*, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application.

*HB 587-FN-A*, establishing a commission on the status of men.

*HB 658-FN-A*, relative to the homeless prevention fund.

*SB 42*, relative to charges for access to medical records.

*SB 35*, relative to a term for the chief justice of the supreme court.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 12:30 p.m.

### RECESS

(Speaker Chandler in the Chair)

### COMMITTEE ASSIGNMENT

Rep. George J. Liebl on Environment and Agriculture.

### RECESS

(Rep. Calawa in the Chair)

### RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 30, 48 and 194, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 30**, relative to DNA testing of criminal offenders. (Criminal Justice and Public Safety)

**SB 48**, relative to the rental of shared living facilities. (Judiciary)

**SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members. (Executive Departments and Administration)

**SENATE MESSAGES****CONCURRENCES**

**HB 120**, relative to the membership of the department of youth development advisory board.

**HB 189-FN**, increasing the facility funding limits under the oil discharge and disposal cleanup fund.

**HB 255**, establishing a committee to study the practice of "body works."

**HB 376**, allowing county commissioners serving 4-year terms to vote at state party conventions.

**HB 482**, relative to airport zoning.

**HB 727**, making certain changes concerning the authority and operation of the port authority.

**HCR 10**, a resolution supporting the electoral college.

**NONCONCURRENCE**

**HB 630**, establishing a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions.

**ENROLLED BILL AMENDMENT**

**HB 377**, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney.

**Amendment (1174-EBA)**

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 2002.

Adopted.

**RECESS****(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 18

Thursday, May 24, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Rep. Sid Lovett from Holderness.

O thou who art the source of life, in whom each of us live and move and have our being, we give thanks for the heritage which has been accorded us as we work in this legislature to balance the claims of freedom and justice. Grant to this body wisdom and compassion, delivering us from woodsheds of the mind and heart. Uphold our Governor and the Speaker of the House in the performance of their responsibilities and may the needs of our citizens lay their rightful claim upon our endeavors. Amen.

Rep. Cynthia Dokmo led the Pledge of Allegiance.

Rachael Guerdet, Janice Zylak, Abby Gagnon and Michelle Villaume, students from Concord Christian School, sang our National Anthem.

### LEAVES OF ABSENCE

Reps. Balcom, Cardin, Furman, Jane Kelley, Lyman, Martel, Pepino, Irene Pratt, Rodd, and Ronald Russell, the day, illness.

Reps. Dewhirst, Dunne, Flora, Feuerstein, Gabler, Hill, Hughes, Karen Hutchinson, Itse, Rogers Johnson, Langone, Messier, Musler, Nowe, Marsha Pelletier, Perkins, Neil Reardon, Rosen, Splaine, Tate and Torressen, the day, important business.

Reps. Coughlin and Micklon, the day, illness in the family.

### INTRODUCTION OF GUESTS

Laurie Chrysostom Lockwood, guest of Rep. Lockwood. Mary Linares, guest of Reps. Sandra and Joseph Harris. David Holden and his Spanish class from Mascenic Regional High School, guests of Rep. Dunlap. Rebecca Foss and Sarah Pawlek, guest and daughter of Rep. Pawlek. Henry Olson, father of Clerk of the House, Karen Wadsworth.

### SPECIAL GUEST

Ambassador of Cyprus, Dr. Erato Kozakou-Marcoullis, guest of the House.

Rep. Buckley moved that the remarks made by Ambassador Marcoullis be printed in the Journal. Adopted.

### REMARKS

Ambassador Marcoullis: Thank you. Mr. Speaker, Honorable Representatives of the House of Representatives of the State of New Hampshire. Greetings to the Granite State from the Copper Island, Cyprus. It is a great honor for me to address today the House of Representatives of the State of New Hampshire, the third largest parliamentary body in the English speaking world. I wish to express my profound gratitude for this invitation, which I consider an expression of support to my country and to the people of Cyprus.

I wish to express the profound gratitude of the government and the people of Cyprus for the adoption of House Concurrent Resolution No. 9, urging the President of the United States to increase the administration's efforts to mediate a peaceful resolution of the dispute in Cyprus between Turkey and the Republic of Cyprus. Our deep appreciation goes to the main sponsors of the resolution, Reps. Salts, Pappas, Tsiros, Pantelakos and Panagopoulos, for their initiative and to each and every representative of this august body for unanimously endorsing it.

The adoption of this resolution clearly registers your concern for an ongoing injustice that violates the very principles for which this great country, the United States of America, stands for: human rights, unity, freedom, justice and the rule of law. It also registers your support for the need to find a just and viable solution to a longstanding problem that has kept the island of Cyprus and its people forcibly divided for far too long.



During this crucial period for my country, it gives us great strength and hope to know that such a prominent body as the House of Representatives of the State of New Hampshire not only cares but, moreover, it chooses to associate itself with the efforts to promote the cause of freedom and justice. This support is all the more important in view of the fact that for over a quarter of a century the unacceptable status quo in Cyprus remains unchanged. It remains a scar and an ugly wound in the body of Europe. It remains an anachronism in the anticipated new hopeful environment of the 21<sup>st</sup> century. Turkey's illegal occupation of one third of Cyprus' territory persists; the 200,000 uprooted Greek Cypriots continue to be forcibly prevented from returning to their homes; the fate of the missing persons (including 4 American citizens of Cypriot descent) has still to be ascertained; the few remaining enclaved Greek Cypriots in the occupied area continue to live under appalling conditions; Turkish settlers now outnumber the Turkish Cypriots and our 10,000 year old cultural heritage continues to be plundered and destroyed.

The United States, which maintains vital interests and influence in the region, has a most important role to play in impressing upon Turkey to solve this problem and cooperate in the efforts of finding a solution based on the internationally endorsed parameters of a bizonal and bicomunal federation. Turkey's compliance with the numerous United Nation resolutions calling for the withdrawal of the Turkish troops, the return of the refugees to their homes and respect for their human rights is long overdue.

These same principles that have provided the basis for the solution of other problems and primarily the need to respect the rule of law and international legality, should be consistently applied in all cases where the same abominable policies of ethnic cleansing have resulted in the expulsion of people and the massive violation of their human rights.

The recently adopted Judgment of the European Court of Human Rights in the Fourth Interstate application of Cyprus v. Turkey, by which the court reaffirmed the view that the government of the Republic of Cyprus remains the sole legitimate government in Cyprus and which found that Turkey has violated and continues to violate in Cyprus numerous Articles of the European convention on Human Rights pertaining to the issues of the missing persons, the displaced Greek Cypriots and the enclaved, is a historic decision of the highest judicial authority of the council of Europe, that has vindicated the struggle of the people of Cyprus. Turkey, as a member of the Council of Europe has the unquestionable responsibility to implement the Judgment and to redress the human rights violations that affect thousands of people, as a direct result of her continuing aggression against the Republic of Cyprus.

This judgment provides a unique opportunity for the international community in general and the United States in particular, to use their influence on Turkey so that we may finally see concrete results on the basis of the United Nation resolution on Cyprus. Turkey has to receive the clear message that violating the rule of law and flouting the international community's decisions can no longer be tolerated. While deeply appreciating the United States' repeated expressions of interest in finding a solution, we believe that the time has come for actions to speak louder than words. To achieve this goal, we continue to depend on the active support of our friends. I am confident that with your support, coupled with the support of our many friends on Capitol Hill, we can succeed in further energizing the efforts to reunite Cyprus.

Now is the time for a leadership role on the part of the United States. Now is the time for a strong message to be conveyed to the Turkish side. A message that would emphasize that its unacceptable conduct and intransigent attitude is neither in line with the international community's and United States' wishes, nor with the established parameters for a bizonal, bicomunal federation.

My government is firmly committed and is cooperating in good faith with all those who exert efforts towards such a settlement. What is absent is the cooperation of the Turkish side. This is a project that the United States is in the best position to realize and your resolution urging the President of the United States to increase the administration's efforts for a peaceful solution is very timely.

Cyprus is moving fast towards membership to the European Union, presently leading the group of candidate countries. We hold in common with the European Union and the United States some important values and policies. We are a democratic nation. We extend the full range of political rights and civil liberties to our citizens. We have developed a strong economy based on free trade and open markets.

Although a solution is not a precondition for our accessions, we strongly believe that reunification of our country and membership to the European Union could be a win-win situation not only for

all our people, Greek and Turkish Cypriots, but also for relations between NATO allies Greece and Turkey, for United States interests in the region and for Turkey itself in as far as the realization of her own aspiration for membership to the European Union.

Our dream is to see our country and our people reunited in a multicultural, democratic and prosperous society, member of the European Union. With the optimism and euphoria that is embodied in the new millennium, we hope that this dream will soon become a reality. For this to happen, United States' resolute action and engagement, especially in the direction of Turkey, remains an urgent priority. We shall then all rejoice that justice at last prevailed. Thank you.

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 569**, establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire. (Amendment printed SJ 5/17/01)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines.

Rep. Batula moved that the House concur and spoke in favor. (Amendment printed SJ 4/12/01)

Adopted.

**HB 203**, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. (Amendment printed SJ 5/17/01)

Rep. Mock moved that the House concur and spoke in favor.

Adopted.

**HB 166**, establishing a committee to study gas and hazardous substance pipeline safety. (Amendment printed SJ 5/17/01)

Rep. Jeb Bradley moved that the House concur and spoke in favor.

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 550-FN**, relative to remedies under the right-to-know law, removed by Rep. John Pratt.

**SB 122-FN**, relative to the license to carry a weapon, removed by Rep. Wendelboe.

Consent Calendar adopted.

**SB 55**, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles. **OUGHT TO PASS**

Rep. Laura C. Pantelakos for Children and Family Law: This bill will set up a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to serve juveniles. Vote 17-0.

**SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families. **OUGHT TO PASS**

Rep. Gary C. Greenberg for Children and Family Law: The committee feels that a study committee would help on finding out how information regarding private individuals known as the Central Registry is obtained and maintained by the Division of Children, Youth and Families. Vote 17-0.

**SB 136**, establishing a committee to study the use of multi-disciplinary team investigations of child abuse and neglect allegations. **OUGHT TO PASS**

Rep. Mary Stuart Gile for Children and Family Law: This bill proposes a committee to study the usefulness of multi-disciplinary team investigations into allegations of child abuse and neglect. Successful models have been implemented in other states and the committee agreed that results from such a study might yield important information for New Hampshire. Vote 15-1.

**SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: The amendment to SB 103 adds 501(c)(7)'s (social clubs) to the bill. The bill as presented would have grandfathered a dozen or so social clubs and not allowed any new ones to get bingo licenses. The committee felt that would be unfair so we included tax exempt social clubs and eliminated the grandfather clause. This bill will allow the Miss America Pageant to raise money through the playing of bingo. Vote 12-0.

**Amendment (1183h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Bingo and Lucky 7; Definitions; Charitable Organization. Amend RSA 287-E:1, V to read as follows:

V. "Charitable organization" means any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been *registered with the secretary of state for at least 2 years and* in existence and organized under the laws of this state for at least 2 years in a town or city *in this state*, and ~~[to which contributions are exempt from federal income tax]~~ *which possesses a tax exempt status under Internal Revenue Code 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue Service under authority of those sections.* To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

(a) Document that ~~[contributions to the organization are]~~ *it is* exempt from federal income tax.

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.

(c) Register *with the secretary of state and*, if required under RSA 7:19-32-a, with the director of charitable trusts.

(d) Maintain a current list of bona fide members.

*(e) Document that the organization has tax exempt status under Internal Revenue Code 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue service under authority of those sections.*

A charitable organization shall not include auxiliary units, committees or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting bingo games.

2 Effective Date. This act shall take effect upon its passage.

**SB 131-FN-A**, establishing a study committee relative to charitable bingo operations. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill establishes a study committee on charitable bingo operations. The committee will look at all laws related to charitable bingo operations, the use of volunteers, and a comparison of commercial bingo operations. The committee will also consider expenses charged to the charities, prize limits, and ways to enhance revenue for charities, including forms of electronic bingo. The committee will report their findings by November 1, 2001. Vote 14-0.

**SB 59**, relative to the inclusion of a signature declaration and verification statement on teacher certification applications. **OUGHT TO PASS**

Rep. John R. Alger for Education: This bill simply puts the notary process into law, whereby a teacher applying for a certification verifies their name and their statement of qualifications with the possibility of criminal prosecution if there is willful misrepresentation or omission of facts. Vote 18-0.

**SB 78-FN-L**, relative to the distribution of special education records to certain educationally disabled pupils. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee found that this bill, requested by the Dept. of Education, was covered by federal legislation and was not necessary. The Department of Education concurred and suggested that this legislation be found inexpedient to legislate. Vote 17-1.

**SB 117**, relative to extended school year services for educationally disabled children. **INEXPEDIENT TO LEGISLATE**

Rep. Brien L. Ward for Education: The committee voted ITL because this bill, if enacted, would remove the standard of proof (preponderance of evidence) used by the local, individualized



educational program team to evaluate the appropriateness of an extended year's program for an educationally disabled child. All parties, which participate in establishing programs for educationally disabled children, benefit from having a uniform standard of proof. Vote 17-1.

**SB 17-FN**, relative to accidental disability retirement benefits upon the death of a retired group II member. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: At the present time, upon the death of a retirement group II member who retired prior to April 1, 1987, a lump sum payment of \$3600.00 is made to the surviving beneficiary along with the member's pre-designated spousal benefit. If the deceased member was in receipt of an accidental disability retirement allowance at the time of death, then the surviving spouse had the option of receiving 50% of the deceased member's disability benefit for life or until remarriage or the lump sum payment. This bill would have granted both the disability benefit and the lump sum payment to the deceased disabled members spouse at an additional cost to the special account of \$310,000.00. The committee felt that this expenditure was not necessary at this time especially at the exclusion of other groups of retirees. Vote 13-3.

**SB 71**, establishing a study committee relative to the regulation and compensation of persons licensed under the real estate practice act. **OUGHT TO PASS**

Rep. David G. Poulin for Executive Departments and Administration: This bill establishes a committee to study regulation and compensation of persons licensed under the real estate practice act. The committee shall assess problems relating to agents and agencies and shall recommend any possible solutions. Vote 12-1.

**SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill will extend and terminally fund the health insurance premium subsidy to certain teacher and employee members of political subdivisions. Those eligible include members and spouses (or beneficiaries including disabled children) who retire on a service or disability retirement on or before July 1, 2008 at age 60, with at least 20 years of creditable service, or at age 55 through 59, with at least 30 years of creditable service. The amendment to this bill recognizes retirees with qualifying service that leaves service before reaching retirement age to be eligible for medical benefits upon reaching the age of 60. Vote 15-0.

#### **Amendment (1112h)**

Amend the title of the bill by replacing it with the following:

AN ACT extending the payment of group health insurance premiums for certain retired members of the retirement system.

Amend RSA 100-A:52-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Any person ~~who has completed no less than 20 years of group I creditable service, but~~ who for reasons other than retirement or death ~~[ceased]~~ *ceases* to be a group I teacher ~~[member]~~ or political subdivision employee ~~[member]~~ prior to attaining the age of 60, and who, as of July 1, ~~[2004]~~ *2008*, receives a vested deferred retirement allowance and who *has completed no less than 20 years of group I creditable service and* subsequently attains the age of 60, *or who has completed no less than 30 years of group I creditable service and subsequently attains the age of 55.*

#### **AMENDED ANALYSIS**

This bills extends the time period for the payment for group health insurance premiums for teacher and political subdivision member retirees in the retirement system. The bill also extends the payment of health insurance premiums to certain vested deferred retirees.

Referred to Finance.

**SB 125-FN**, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill would give the option to the retirement system to extend the 120 days allowed after the decision to grant disability benefits for inclusion of compensable earnings in retirement benefits provided the additional time



is required through no fault of the recipient of the benefits. At the present time, earnable compensation shall not include compensation paid in any form paid later than 120 days after the member's termination of employment from a retirement eligible position. The rule still holds true for non-disabled retirees. Vote 15-0.  
Referred to Finance.

**SB 157, relative to state government information dissemination and access. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Dodge for Executive Departments and Administration: This bill which creates a system of dissemination of information and access to state government will allow increased citizen involvement in state policies and empower citizens to participate in state policy decision making. The amendment rectified drafting errors in the legislation and addressed technical agency concerns. Vote 14-0.

**Amendment (1088h)**

Amend the bill by replacing section 3 with the following:

3 Department of Cultural Resources; Rulemaking Authority Amend RSA 21-K:8, VII to read as follows:

VII. *New Hampshire state government information access* libraries and retention schedules for state publications *as provided in RSA 202-B.*

Amend RSA 202-B:2, VI as inserted by section 4 of the bill by replacing it with the following:

VI. "State government information product" means a state publication or other discrete compilation of state government information of general public interest, either conveyed in a tangible physical format including electronic media, or disseminated via a state government electronic information service.

Amend the section heading and paragraph I of RSA 202-B:4 as inserted by section 4 of the bill by replacing it with the following:

202-B:4 Copies of State Government Information Products.

I. Each agency component of state government shall produce 25 copies of its tangible state government information products for deposit with the state librarian. The state librarian shall make tangible products available through distribution to program libraries and shall ensure program libraries and general public access to state information products available via state electronic information services as soon as practicable.

**SB 190, dedicating the I-93 causeway at Moore Dam and the Cottage Street Bridge in Littleton. OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: This bill dedicates the causeway at Moore Dam on I-93 as the "Curran/McAvoy Causeway" in honor of Ken Curran and George McAvoy who researched, designed and proposed a causeway rather than a bridge in the original design to cross the Connecticut River. This proposal was adopted by the United States and New Hampshire Departments of Transportation and reportedly saved \$20,000,000.00 in construction cost. In addition, this bill dedicates the Cottage Street Bridge in Littleton as the "Veterans' Memorial Bridge". Testimony in support indicated there are no bridges north of the Notch named in honor of veterans. An additional amendment would rename the "Smith Bridge" in Plymouth as the "Smith Millennium Bridge". It is a recently rebuilt covered bridge and since it is dedicated in the new millennium, thus the name. The bridge was originally named after Jacob Smith, an early settler that lived next to the original covered bridge. The committee strongly supports Ought to Pass as Amended. Vote 14-0.

**Amendment (1074h)**

Amend the title of the bill by replacing it with the following:

AN ACT dedicating the I-93 causeway at Moore Dam, the Cottage Street Bridge in Littleton, and the Smith Bridge in Plymouth.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 4-5, respectively:

3 The Smith Millennium Bridge. Pursuant to RSA 4:43, the Smith Bridge in Plymouth is hereby dedicated as the "Smith Millennium Bridge."

Amend the bill by replacing section 4 with the following:

4 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under sections 1-3 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

#### AMENDED ANALYSIS

This bill dedicates the I-93 causeway at Moore Dam as the "Curran/McAvoy Causeway," the Cottage Street Bridge as the "Veterans' Memorial Bridge," and the Smith Bridge as the "Smith Millennium Bridge."

#### **SB 45, relative to the legislative oversight committee on electric utility restructuring. OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: This bill updates the membership and duties of the Legislative Oversight Committee on electric utility restructuring. The bill also limits the changes that the Public Utilities Commission (PUC) may make to approved special contracts for the six ski areas in the New Hampshire Electric Cooperative (NHEC) service territory. The committee found that any changes to existing special contracts in the NHEC service territory would be detrimental to other NHEC customers. The NHEC could lose all revenue from the six ski areas which representatives of the NHEC testified would increase rates to all other NHEC customers. This bill also restores equity between ski areas in the NHEC service territory and ski areas in the Public Service of New Hampshire (PSNH) Service territory. Vote 15-0.

#### Amendment (1078h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the legislative oversight committee on electric utility restructuring and relative to service from a rural electric cooperative under special contracts.

Amend the bill by replacing all after section 3 with the following:

4 Purpose and Findings. The general court finds that restructuring of the electric utility industry should not result in changes in the total rates of customers taking service under special contracts with a rural electric cooperative for the duration of those contracts, consistent with the general court's determination with respect to special contract customers of Public Service Company of New Hampshire in RSA 369-B:3, IV(b)(10).

5 New Section; Rural Electrification Associations; Special Contracts. Amend RSA 301 by inserting after section 61 the following new section:

301:62 Special Contracts. The commission shall not order changes in the total rates or impose stranded cost, system benefits, or other restructuring charges under RSA 374-F if the result would be to cause changes in the total rates charged to, or the accounting for revenue received from customers taking service from a rural electric cooperative under special contracts approved pursuant to RSA 378:18 for the duration of those special contracts in effect as of May 1, 2000.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill updates the membership and duties of the legislative oversight committee on electric utility restructuring. This bill also limits the changes that the public utilities commission may make to certain approved special contracts for service from a rural electric cooperative.

#### **SB 93, establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act. OUGHT TO PASS**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill establishes a limited two-year committee that will study the public health and environmental impact related to the burning of virgin petroleum products or coal. The Science, Energy and Technology Committee agrees with the need to review our requirements of the Toxic Air Control Act and to determine any compliance issues that we may need to correct. Vote 15-0.

#### **SB 189-FN-A, establishing a gasoline remediation and elimination of ethers fund. OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: The bill as passed by the Senate creates a separate remediation fund for groundwater supplies contaminated by MtBE and other ethers. Gasoline taxes are not increased. Rather the 1.5 cent per gallon tax which funds the Oil Discharge and Disposal (ODD) Cleanup Fund, will have ¼ cent of the per gallon tax transferred into the new remediation fund. Testimony indicated the ODD Fund would not be adversely affected. With the new remediation fund, MtBE ground water contamination can be better treated. There was universal support for the bill. The committee amendment makes technical changes to the bill to allow efficient implementation of the remediation fund. There is language in the bill authorizing the Attorney General's Office to seek reimbursement from parties responsible for spills. Vote 14-0.

### Amendment (1209h)

Amend the bill by replacing all after the enacting clause with the following:

1 Oil Discharge and Disposal Cleanup Fund; Purpose. Amend RSA 146-D:1 to read as follows:

146-D:1 Purpose. The general court finds that gasoline and diesel fuel, due to their extreme fluidity and suspected carcinogenic qualities, comprise a sufficiently distinct class of property which represents a potential serious health and safety problem to the citizens of New Hampshire. In particular, gasoline and diesel fuel present a potential threat to the quality of New Hampshire's groundwater and environment because of the speed with which these products are able to flow into, and contaminate, valuable groundwater supplies. The purpose of this chapter is to establish financial responsibility for the cleanup of oil discharge and disposal, and to establish a fund to be used in addressing the costs incurred by the owners of underground storage facilities and bulk storage facilities for the cleanup of oil discharge and disposal, to protect groundwater, and for reimbursement for third party damages. *An additional purpose is to provide a funding source for cleanup and reimbursement for discharges of gasoline ethers pursuant to RSA 146-G.* The fund established under this chapter shall be in addition to the oil pollution control fund established pursuant to RSA 146-A:11-a, *and the gasoline remediation and elimination of ethers fund established under RSA 146-G.*

2 New Paragraphs; Definitions. Amend RSA 146-D:2 by inserting after paragraph VII the following new paragraphs:

VIII. "Gasoline" means all products commonly or commercially known or sold as gasoline, including casinghead and absorption of natural gasoline, regardless of their classification or uses, and any liquid prepared, advertised, offered for sale, or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products (ASTM Designation D-86) show not less than 10 percent distilled (recovered) below 347 degrees Fahrenheit (175 degrees Centigrade) and not less than 95 percent distilled (recovered) below 464 degrees Fahrenheit (240 degrees Centigrade); provided that the term gasoline shall not include commercial solvents or naphthas which distill by ASTM method D-86 not more than 9 percent at 176 degrees Fahrenheit and which have a distillation range of 150 degrees Fahrenheit or less, or liquefied gases which would not exist as liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

IX. "Diesel fuel" means a liquid hydrocarbon fuel used in internal combustion high speed engines that operate with a diesel thermodynamic cycle.

3 Fund Established. RSA 146-D:3. VI is repealed and reenacted to read as follows:

VI. The fee collected on motor fuels shall be deposited in the oil discharge and disposal cleanup fund, except as provided in subparagraph (b), and divided as follows:

(a) For each gallon of diesel fuel for which a fee is assessed, \$.014 shall be placed in an account for reimbursement of owners of eligible underground storage facilities and \$.001 shall be placed in an account to be used for reimbursement of owners of eligible bulk storage facilities.

(b) For each gallon of gasoline for which a fee is assessed, \$.0115 shall be placed in the underground storage facilities account, \$.001 shall be placed in the bulk storage facilities account and \$.0025 shall be placed in the gasoline remediation and elimination of ethers fund established under RSA 146-G.

(c) For all fees assessed on gasoline during the period from January 1, 2001 to July 1, 2001 and deposited in the account for reimbursement of owners of eligible underground storage facilities, 18 percent of those fees shall be transferred to gasoline remediation and elimination of ethers fund established under RSA 146-G.



4 New Chapter; Gasoline Remediation and Elimination of Ethers Fund. Amend RSA by inserting after chapter 146-F the following new chapter:

#### CHAPTER 146-G

#### GASOLINE REMEDIATION AND ELIMINATION OF ETHERS FUND

##### 146-G:1 Purpose.

I. In recognition of its fiduciary responsibility to minimize the contamination of our citizens' drinking water and the water sources of the state, the general court finds that ethers contained in gasoline, due to their extreme fluidity, recalcitrance to natural degradation, low taste and odor thresholds, and probable carcinogenic qualities, comprise a sufficiently distinct class of property which represent a particular, present, and rapidly escalating threat to the quality of all the water of the state and, thereby, to our citizens. The general court also finds that potentially serious health, safety, and environmental problems are evidenced due to the speed with which ethers are able to flow into, contaminate, and accumulate in invaluable groundwater supplies.

II. The purpose of this chapter is to provide procedures that will expedite the cleanup of gasoline ether spillage, mitigate the adverse affects of gasoline ether discharges, encourage preventive measures, impose a fee upon importers of neat gasoline ethers into the state and establish a fund for the remediation of groundwater and surface water contaminated by gasoline ethers. The fund may also be used to provide financial reimbursement to owners of public and private water supplies for the treatment and removal of gasoline ethers and associated contaminants from those supplies. The fund established under this chapter shall be in addition to the oil pollution control fund established pursuant to RSA 146-A:11-a and is separate from the oil discharge and disposal cleanup fund established pursuant to RSA 146-D:3.

##### 146-G:2 Definitions. In this chapter:

I. "Discharge" or "spillage" means the release or addition of any gasoline containing ethers to land, groundwater, or surface water.

II. "Distributor" means any person, wherever resident or located, who imports or causes to be imported neat gasoline ethers, as defined in this section, into the state; provided, however, that bringing gasoline into the state in the fuel supply tank attached to the engine of a vehicle or aircraft shall not be considered importing. "Distributor" does not mean a spill cleanup organization or other person acting to contain, remove, clean up, restore, or take other remedial or corrective action or measures with regard to the spillage or discharge of gasoline or neat gasoline ethers, or threatened spillage or discharge of gasoline or neat gasoline ethers.

III. "Ethers" means organic compounds formed by the treatment of an alcohol with a dehydrating agent resulting in 2 organic radicals joined by an oxygen atom.

IV. "Facility" means a location, including structures or land, at which gasoline is subjected to treatment, storage, processing, refining, pumping, transfer, or collection.

V. "Gasoline" means all products commonly or commercially known or sold as gasoline, including casinghead and absorption of natural gasoline, regardless of their classification or uses, and any liquid prepared, advertised, offered for sale, or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products (ASTM Designation D-86) show not less than 10 percent distilled (recovered) below 347 degrees Fahrenheit (175 degrees Centigrade) and not less than 95 percent distilled (recovered) below 464 degrees Fahrenheit (240 degrees Centigrade); provided that the term gasoline shall not include commercial solvents or naphthas which distill by ASTM method D-86 not more than 9 percent at 176 degrees Fahrenheit and which have a distillation range of 150 degrees Fahrenheit or less, or liquefied gases which would not exist as liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

VI. "Gasoline ethers" means any ether added to gasoline to improve or increase octane or to increase gasoline oxygen content, and their by-products, including, but not limited to, methyl tertiary butyl ether (MTBE), tertiary amyl methyl ether (TAME), di-isopropyl ether (DIPE), and ethyl tertiary butyl ether (EtBE). "Gasoline ethers" shall not include prepackaged goods intended for retail consumer use including, but not limited to, starting fluid and octane booster.

VII. "Gasoline remediation and elimination of ethers fund" means the fund established pursuant to RSA 146-G:4.

VIII. "Gasoline terminal facility" means any facility of any kind and its related appurtenances located within the boundaries of this state that is used or capable of being used for pumping, handling, transferring, processing, refining, or storing gasoline.



IX. "Groundwater" means subsurface water that occurs beneath the water table in soils and geologic formations.

X. "Neat gasoline ethers" mean ethers intended for blending with gasoline prior to sale to the public which are imported into the state with little or no admixtures or dilution. Neat gasoline ethers shall contain a minimum of 92.1 percent by volume ether, including its impurities.

XI. "Removal costs" means the costs of containment, removal, cleanup, restoration, and remedial or corrective action or measures that are incurred after a spillage or discharge of gasoline has occurred or, in any case in which there is a threat of a spillage or discharge of gasoline, the cost to prevent, minimize, or mitigate gasoline pollution from such an incident.

XII. "Surface water" means streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, watercourses, and other bodies of water, natural or artificial.

XIII. "Vessel" includes every description of watercraft or other contrivance used, or capable of being used as a means of transportation on water or land whether self-propelled or otherwise and shall include barges, tanker trucks, and railroad cars.

146-G:3 Recovery by State. Recovery of costs of containment cleanup, removal, or corrective measures expended under this chapter shall be in accordance with RSA 146-A:9.

#### 146-G:4 Fund Established.

I. There is hereby established the gasoline remediation and elimination of ethers fund. This nonlapsing, revolving fund shall be used to pay the costs to implement the provisions of this chapter which include, but are not limited to, the salaries and expenses of personnel, as approved by the legislature, to the extent that such salaries and expenses are incurred in implementing the provisions of this chapter, testing and monitoring activities, and other costs of treatment or removal or corrective measures deemed necessary by the department of environmental services as a result of an actual or potential discharge of gasoline ethers into or onto the surface water or groundwater of the state. Moneys from the fund shall be used to mitigate the adverse affects of gasoline ether discharges including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the department of environmental services, the establishment of an acceptable source of potable water to injured parties. Not more than \$150,000 shall be allocated annually for research programs dedicated to the development and improvement of preventive and cleanup measures concerning such gasoline ether discharges. The waste management council shall approve any agreements entered into by the department for purposes of conducting research. Income derived from the fund shall only be used for those administrative costs needed to implement this chapter.

II. Moneys in the fund not currently needed to meet the obligations of the department of environmental services under this chapter shall be deposited with the state treasurer to the credit of the fund and shall be invested as provided by law. Interest received on such investment shall also be credited to the fund. If the fund's balance becomes greater than \$2,500,000, the transfer of moneys into the fund as established in RSA 146-D:3 shall be discontinued and only re-established when the fund's balance is below \$1,000,000. Those fees normally transferred to the gasoline remediation and elimination of ethers fund shall accumulate instead in the account for reimbursement of owners of eligible underground storage facilities under RSA 146-D:3, VI.

III. All moneys paid to the state to reimburse costs paid out of the gasoline remediation and elimination of ethers fund by any person strictly liable to the state under RSA 146-A:3-a shall be placed in the gasoline remediation and elimination of ethers fund.

#### 146-G:5 Competitive Bidding Required.

I. Except as provided in paragraph II, the commissioner of environmental services shall enter into the competitive bidding process for any project undertaken by the department of environmental services under the authority of this chapter with an estimated cost of \$10,000 or more. The commissioner may enter the competitive bidding process for any such project with an estimated cost of less than \$10,000.

II. When procuring professional services from engineers, architects, and surveyors associated with the investigation or cleanup of contamination from gasoline ethers, the commissioner of environmental services shall procure those services in accordance with the procedures contained in RSA 21-I:22.

146-G:6 Corrective Measures Authorized. Corrective measures authorized by this chapter shall include but not be limited to:

I. Provision of interim water supplies to residents whose water supplies have been contaminated due to the presence of gasoline ethers above standards set by the department of environmental services or a condition related to gasoline ethers determined to be hazardous by the office of community and public health and the state forensic toxicologist. This may include the supply of bottled water and the installation and operation of water supply treatment systems, approved or provided by the department.

II. The establishment of an acceptable source of potable water to injured parties, where necessary, as determined by the department of environmental services. This may include but not be limited to a proportioned share of the costs of construction of the extension of public water mains and appurtenances, the installation of replacement water supply wells and appurtenances, or the installation of water treatment processes for new or existing water supplies. The extent of reimbursement shall be determined based upon criteria established by rules adopted by the department of environmental services. Such rules shall consider the overall need for the capital investment to address contamination or threatened contamination of water supplies by gasoline ethers. Operation and maintenance costs or annual user fees for new or upgraded public water supply main extensions or treatment processes shall not be eligible expenses under this paragraph.

146-G:7 License Required; Fee.

I. Any distributor who imports or causes to be imported neat gasoline ethers into the state shall be licensed by the department of safety under this chapter. The annual fee for the license shall be \$0.10 per gallon of neat gasoline ethers imported into this state for the purpose of being mixed or blended with gasoline prior to sale to the public. The fee shall be paid monthly by such person to the department of safety and deposited by the department of safety into the gasoline remediation and elimination of ethers fund. Imposition of the fee shall be based on the records of the person and certified as accurate to the department of safety.

II. Every distributor who imports or causes to be imported neat gasoline ethers into the state shall file a monthly report for the preceding month and shall include all fees due for that reporting period with the department of safety on or before the twentieth day of the following calendar month. Failure to file by the required date or to enclose fees due shall result in the assessment of a 10 percent penalty to be added to the amount of fees due for that month. If no fees are due, a penalty of \$10 per day shall be assessed. Such penalty shall immediately accrue and thereafter the overdue fees and the penalty shall bear interest at the rate established by the Internal Revenue Service effective on the first business day of the calendar year. To this rate shall be added 2 percent. In determining the monthly rate, that figure shall be rounded off to the nearest quarter percent. The department of environmental services may waive all or any portion of penalties or interest for good cause. Such cause and incident shall be recorded in the records of the gasoline remediation and elimination of ethers fund.

III. No distributor licensed under this section shall import neat gasoline ethers into this state without paying the fee required by this section.

IV. Unless otherwise provided, any distributor who violates any provision of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

146-G:8 Administrative Costs. Notwithstanding any other provision of law, if the expenditure of additional funds is necessary for the costs of administration of the collection process established in RSA 146-D:3 and RSA 146-G:7 for funding the gasoline remediation and elimination of ethers fund, the commissioner of safety, with the prior approval of the governor and council, may draw upon the gasoline remediation and elimination of ethers fund for such purposes.

146-G:9 Reporting by Department of Environmental Services. The department of environmental services shall file annual reports of the status of the gasoline remediation and elimination of ethers fund no later than October 1, to the speaker of the house and president of the senate. The first such report shall be submitted no later than October 1, 2002. The department of environmental services shall also file interim reports on the activities of the gasoline remediation and elimination of ethers fund, including expenditures and reimbursements, and enforcement and remediation activities under RSA 146-G, by October 1, 2005 and by October 1, 2009 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the house and senate committees having jurisdiction over water quality policy, the governor, and the state library. The department shall file a final report on the activities of the fund and enforcement and remediation activities by October 1, 2010 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the house and senate committees having jurisdiction over water quality policy, the governor, and the state library.

146-G:10 Review and Report. Upon issuance of the interim report by the department of environmental services required by RSA 146-G:9, the members of house and senate committees having jurisdiction over water quality policy shall constitute a joint committee for purposes of reviewing the effectiveness of the program implemented by this chapter. The joint committee shall review the effectiveness of the program implemented by this act, and shall report the joint committee's findings and recommendations to the full senate and house.

146-G:11 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the allocation of funds from the gasoline remediation and elimination of ethers fund authorized under this chapter. Construction costs due to contamination from gasoline ethers incurred by operators of public water supplies between May 4, 2000 and the effective date of department rules may be considered for compensation on a case-by-case basis subject to approval of the waste management council.

5 Date Changed. Amend 1993, 294:1 as amended by 1995, 247:9 to read as follows:

294:1 Funds Transferred to Oil Pollution Control Fund. The oil discharge and disposal cleanup fund established in RSA 146-D:3, I shall lapse on [January 1, 2005] July 1, 2010. Any moneys remaining in the fund at that time shall be transferred to the oil pollution control fund established in RSA 146-A:11-a.

6 Effective Date of Repeal Changed. Amend 1988, 271:11, I as amended by 1993, 294:14 and 1995, 247:10 to read as follows:

I. Paragraphs VIII and IX of section 9 of this act shall take effect [January 1, 2005] July 1, 2010.

7 Repeal.

I. RSA 146-G, excluding RSA 146-G:9, relative to the gasoline remediation and elimination of ethers fund, is repealed.

II. RSA 146-G:9, relative to reporting on the gasoline remediation and elimination of ethers fund, is repealed.

8 Funds Transferred to Oil Pollution Control Fund. The gasoline remediation and elimination of ethers fund established in RSA 146-G:4, I shall lapse on July 1, 2010. Any moneys remaining in the fund at that time shall be transferred to the oil pollution control fund established in RSA 146-A:11-a.

9 Effective Date.

I. Section 7, paragraph I of this act shall take effect July 1, 2010.

II. Section 7, paragraph II of this act shall take effect October 1, 2010.

III. The remainder of this act shall take effect July 1, 2001.

Referred to Finance.

**SB 67-FN**, relative to costs of locating and apprehending persons improperly at large for driving-related offenses. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: Each year the state has to deal with approximately \$1,000,000.00 in default fines from violations of highway laws. State and local police departments are faced with strains on their financial resources. Many scofflaws escape paying fines unless stopped for other reasons. This bill would help with this issue by hiring a full time person to review and follow up the default cases. The money for the position would come from the bench warrant fund. From testimony received by the committee, we can expect to recoup up to \$700,000.00 a year of these fines. Vote 14-0.

Referred to Finance.

**SB 84**, relative to funeral processions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: I thought there were laws now to regulate funeral processions? Why do we need them? What could you possibly regulate? These were some of the questions that came up when this bill came to the House committee for a hearing. The bill then went to a subcommittee to clarify the language. The amended version requires that the lead vehicle shall use and be equipped with a purple flashing or emergency light. Each vehicle in the procession shall be marked by funeral flags or windshield signage. Headlights, taillights, and if so equipped with hazard flashers should be on. Automatic headlights started a problem in lines because you couldn't tell who was part of a procession. Operators of vehicles not part of a funeral processional shall not join them for the purpose of getting the right-of-way, they cannot pass on a two-lane highway, and they cannot proceed through a green lighted intersection unless they can do so without crossing the path of the funeral procession. Violations of these laws will be considered a moving



violation under our motor vehicle code. Emergency vehicles still have the right-of-way governed by current RSAs that pertain to them. This bill will take effect January 2002, and that allows time for funeral directors to take the necessary steps to comply with the law. Vote 13-0.

### **Amendment (1060h)**

Amend RSA 265:156, II as inserted by section 1 of the bill by replacing it with the following:

II. All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe. Each vehicle of the funeral procession shall be appropriately marked by having funeral flags or windshield signage, and headlights, taillights, and, if so equipped, hazard flasher on. A funeral escort or funeral lead vehicle shall use and be equipped with a purple flashing or emergency light.

Amend RSA 265:157, II-IV as inserted by section 1 of the bill by replacing them with the following:

II. Operators of vehicles not part of a funeral procession shall not join a funeral procession for the purpose of securing the right-of-way granted in RSA 265:156, I.

III. An operator of a vehicle not in a funeral procession shall not attempt to pass vehicles in a funeral procession on a 2-lane highway or roadway.

IV. When a funeral procession is proceeding through a red signal as permitted by RSA 265:156, I, a vehicle that is not in the funeral procession may not enter the intersection, even if the vehicle is facing a green signal, unless it can do so without crossing the path of the funeral procession.

### **SB 156, relative to the suspension of drivers licenses of persons under 20 years of age. OUGHT TO PASS**

Rep. John W. Flanders for Transportation: This bill is the result of a study committee in the year 2000 to define the meaning of "misconduct, misuse or abuse" in RSA 263:14, III for those individuals under 20 years of age. This bill defines that language for suspensions of original licenses. Vote 14-0.

### **SB 184, relative to review of fees for the removal and impoundment of motor vehicles. OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill came about as a result of a truck driver being charged a total of \$5,200.00 for a towing incident. Upon further examination and an outcry from the trucking company, the bill was reduced to \$3,300.00, and further reduced to \$1,200.00. What this resulted in was the examination of the way towing fees are assessed. With this bill the owner or other person entitled to possession of the vehicle may challenge the reasonableness of the fee charged. After paying the fees, that person, within 15 days, can request in writing a review by the Commissioner of Safety. The Commissioner will review the charges and decide if a hearing is necessary and the hearing will be held within 30 days, and then the extent of removal and storage fees will be determined within another 30 days. The amendment was simply changing the number of a provision of the bill. Vote 10-1.

### **Amendment (1061h)**

Amend RSA 262:35-a, I as inserted by section 1 of the bill by replacing it with the following:

I. All fees charged for the removal and storage of any vehicle caused to be removed by an authorized official pursuant to RSA 262:32 or RSA 262:40-a shall be reasonable, and may reflect market variables, including, but not limited to, distance traveled to and from the storage facility, vehicle size and weight, the amount of time needed to remove and store the vehicle, and personnel costs. If the owner or other person lawfully entitled to possession of the vehicle wishes to challenge the reasonableness of the fee charged, the owner or other person may pay over to the custodian of the vehicle an amount equal to the towing and storage charges to secure the release of the vehicle, and, within 15 days of the release of the vehicle, request in writing a review by the commissioner of safety. The commissioner of safety shall review the towing and storage charge and determine if there are sufficient grounds to conduct a hearing to determine whether the charge was reasonable. If the commissioner determines that a hearing is necessary, the hearing shall be held within 30 days after review by the commissioner, at which time the extent of removal and storage fees shall be determined. The commissioner shall issue a decision within 30 days after holding a hearing. Notwithstanding RSA 262:25, any person aggrieved by a decision of the commissioner under this section may appeal the decision to the superior court in the same manner as that prescribed in RSA



263:75, II and III. If no request for review is filed within the 15 day period, the owner or other person lawfully entitled to possession of the vehicle shall be deemed to have waived all rights to review under this section and shall be liable for the total amount billed.

### REGULAR CALENDAR

**SB 13**, relative to the duties of a school nurse and relative to school food and nutrition programs. **OUGHT TO PASS**

Rep. John R. Alger for Education: This bill eliminates mandatory testing for tuberculosis as recommended by the American Lung Association, while leaving such testing as a local option. The bill also provides that a school nurse may administer oxygen in a medical emergency, recommended by testimony from the Dept. of Safety, stating that on most occasions when EMS is dispatched to a school it is for asthma or other relief with oxygen. Finally, the bill relieves clerical work of districts, relative to yearly statistics for each student. Vote 10-2.

Report adopted and ordered to third reading.

**SB 68**, relative to school district placements of children living in foster homes. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Alger for Education: This bill simply authorizes a child placed by the court to remain in the school of prior attendance before placement, if it is in the best interest of the child, according to agreement between the parent or guardian and the superintendent or school board. Vote 13-5.

### Amendment (1176h)

Amend the bill by replacing section 2 with the following:

2 Education of Children Placed in Homes for Children, Health Care Facilities, or State Institutions; Right of Attendance. Amend RSA 193:28 to read as follows:

193:28 Right of Attendance. Whenever any child is placed and cared for in any home for children, or is placed by the department of health and human services in the home of a relative or friend of such child pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, such child, if of school age, shall be entitled to attend:

*I. The public schools of the school district that the child attended prior to placement, if continuing in the same school district is in the best interest of the child as determined by the parent or guardian and the school superintendent or school board, if the home is within a reasonable distance of the school to be attended, and if suitable transportation can be arranged without imposing additional transportation costs on a school district or the department of health and human services; or*

*II. The public schools of the school district in which said home is located, unless such placement was solely for the purpose of enabling a child residing outside said district to attend such schools, provided that the school district for a child placed in a group home, as defined in RSA 170-E:25, II(b), within a cooperative school district, shall be the cooperative school district, not the pre-existing district within the cooperative.*

### AMENDED ANALYSIS

This bill allows children in court-ordered placements to continue attending the school that they attended prior to the placement if continuing in the same school is in their best interest as determined by the parent and school, if the home is within a reasonable distance of the school, and if suitable transportation arrangements can be made.

Adopted.

Report adopted and ordered to third reading.

**SB 135-FN-L**, relative to kindergarten funding. **OUGHT TO PASS**

Rep. J. D. Colcord for Education: This bill amends RSA 198 to include new kindergarten programs implemented on or after July 1, 1999 in the Education Adequacy Grant Payment Program, at the rate as currently specified by law. This brings all public kindergarten programs to the same funding level, i.e. one-half of the adequacy grant.

Report adopted.

Referred to Finance.

**SB 64-FN-A**, establishing a fund to pay mediators in the probate courts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James W. Craig for the Majority of Judiciary: This bill establishes a Probate Court mediation fund which is continually appropriated to the Probate Court for payment of mediators. The bill requires the sum of \$5.00 to be added to each Probate Court entry fee to be deposited into the fund. Mediation is not mandatory and the record of unsuccessful mediations shall not be released to judges or other court officers who later hear the case. Mediators shall be paid the sum of \$300 per case and they will deal with all forms of family issues that require special expertise. It is expected that money paid into the fund will be more than offset by court costs and attorneys' fees saved, as well as the family resentments and bitterness, which will be diffused by mediation. Vote 13-3.

Rep. Larry G. Elliott for the Minority of Judiciary: The minority, being unable to agree with the majority, find SB 64-FN-A should be Inexpedient to Legislate. This bill adversely affects the middle class by adding an additional \$5.00 filing fee to their Probate Court matters, for which they may receive no benefit. In addition to that, this bill creates a fund to establish mediation that has a limited amount of resources so some persons seeking mediation will be denied because there are no funds available for mediation. Yet, they are still required to pay \$5.00 to go toward someone else's mediation. Furthermore, this bill sets out no guidelines, no qualifications, and no direction other than it is voluntary to the courts. This bill as written allows the Probate Court to establish a program without direction from the legislature as to the program's design and shape. In conclusion, this creates an inequity between the Superior Court and the Probate Court because currently the Superior Court provides a mediation program for free to users of the court and charges no additional fee to file a petition before the Superior Court. To be clear here, the mediators at the Superior Court level are unpaid, whereas mediators at the Probate Court level would receive as much as \$300 for their services.

### Majority Amendment (1207h)

Amend RSA 490:27, II as inserted by section 2 of the bill by replacing it with the following:

*II.(a) There is established in the office of the state treasurer a separate fund to be known as the probate court mediation fund. The sum of \$5 shall be added to each entry fee collected in the probate courts and shall be deposited in the fund for paid mediation in the probate courts. Costs of probate court mediators may be paid from this fund, provided that:*

*(1) Participation in the mediation sessions is not mandated by the court; and*

*(2) Mediation reports shall not be released to any judge or other officer of the court who may later decide or rule on the case without the written consent of all parties participating in the mediation.*

*(b) Moneys in the fund shall be continually appropriated to the probate court and used to pay probate court mediators subject to the conditions under subparagraph (a) and as recommended and approved by the administrative justice of the probate court.*

### AMENDED ANALYSIS

This bill establishes a probate court mediation fund, which is continually appropriated to the probate court for payment of mediators. The sum of \$5 shall be added to each entry fee collected in the probate courts and shall be deposited in this fund. This bill also prevents court-ordered mediation.

Adopted.

Report adopted and referred to Ways and Means.

### **HB 550-FN, relative to remedies under the right-to-know law. OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: HB 550 was referred to the Criminal Justice & Public Safety committee on March 29, 2001 after being passed by the House on a voice vote. After the hearing a subcommittee was appointed and met on April 25, 2001. The main concern expressed was that a civil statute, NHRSA 91-A, should not contain a criminal penalty. The Criminal Justice Committee agreed and amended HB 550 to place the destruction of information that had been requested under 91-A in the appropriate criminal statute, RSA 641:7, Tampering with Public Records or Information. This amendment has the full support of the bill's sponsor as well as the two members of the Judiciary committee who worked with the Criminal Justice committee. Vote 12-0.

### Amendment (1105h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to destruction of information.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Destruction of Certain Information Prohibited. Amend RSA 641:7 by inserting after paragraph III the following new paragraph:

IV. Knowingly and purposely destroys any information, electronic or written, which is requested for inspection pursuant to RSA 91-A prior to such inspection. If a request for inspection is denied on the grounds that the information is exempt from RSA 91-A, the requested material shall be preserved for 90 days or while any lawsuit pursuant to RSA 91-A:7-8 is pending.

2 Effective Date. This act shall take effect January 1, 2002.

### AMENDED ANALYSIS

This bill declares that any information requested pursuant to the right-to-know law shall not be destroyed prior to such inspection. This bill provides a procedure for when inspection is denied. Under this bill, any person who purposely and knowingly violates this provision shall be guilty of a misdemeanor.

Rep. John Pratt spoke to the bill.

Adopted.

Report adopted and ordered to third reading.

### SB 122-FN, relative to the license to carry a weapon. INEXPEDIENT TO LEGISLATE

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill extends the expiration period for a license to carry a loaded and concealed weapon from four to ten years and requires notification of the expiration of said license. At the present time RSA 159:6, entitled "License to Carry" provides that a "suitable person" will be issued a permit to carry a loaded and concealed pistol or revolver on their person or in a motor vehicle. The permit expires upon the fourth anniversary of the applicant's date of birth following the date of issue. An application for renewal shall be approved providing that the status of a "suitable person" has been maintained during the prior four years. Legislation has determined that a person's "suitability and residency" are easily subject to changes within a four-year period. For that reason, the Criminal Justice and Public Safety committee felt strongly that to extend the life of this permit beyond four years was to diminish the value of any background investigation that determined that person's suitability to hold a permit. This bill also obligates the issuing agency (the local police chief), to remind the permit holder, via first-class mail, that his/her permit is about to expire. Because of the staggered expiration of the permits, the committee felt this would place a burden of finance and time on police departments, and should be the responsibility of the permit holder to monitor its expiration. It is the opinion of the committee that this provision would violate Part I, Art 28-a, which prohibits unfunded mandates. Members of the NH Chief's of Police Association appeared in opposition to this bill. Vote 12-1.

Rep. Wendelboe spoke against.

Reps Kennedy and Welch spoke in favor.

Rep. Tholl spoke in favor and yielded to questions.

On a division vote, 305 members having voted in the affirmative and 35 in the negative, the report was adopted.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended to permit the deadline of Wednesday, May 30, 2001, the last day to report all Senate bills for action in the first-year session and the last day for committees to report list of retained Senate bills, to be moved to Thursday, May 31, 2001.

Rep. Herman spoke in favor.

Adopted by the necessary two-thirds vote.

### RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 31, 2001 at 10:00 a.m.

Adopted.



## LATE SESSION

### Third reading and final passage

**SB 55**, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles.

**SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families.

**SB 136**, establishing a committee to study the use of multi-disciplinary team investigations of child abuse and neglect allegations.

**SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7.

**SB 131-FN-A**, establishing a study committee relative to charitable bingo operations.

**SB 59**, relative to the inclusion of a signature declaration and verification statement on teacher certification applications.

**SB 71-FN**, establishing a study committee relative to the regulation and compensation of persons licensed under the real estate practice act.

**SB 157**, relative to state government information dissemination and access.

**SB 190**, dedicating the I-93 causeway at Moore Dam and the Cottage Street Bridge in Littleton.

**SB 45**, relative to the legislative oversight committee on electric utility restructuring.

**SB 93**, establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act.

**SB 84**, relative to funeral processions.

**SB 156**, relative to the suspension of drivers licenses of persons under 20 years of age.

**SB 184**, relative to review of fees for the removal and impoundment of motor vehicles.

**SB 13**, relative to the duties of a school nurse and relative to school food and nutrition programs.

**SB 68**, relative to school district placements of children living in foster homes.

**HB 550-FN**, relative to destruction of information.

## UNANIMOUS CONSENT

Reps. Rozek and Loren Jean addressed the House.

Rep. Avery moved that the remarks made by Reps. Rozek and Loren Jean be printed in the Journal. Without objection, the Speaker so ordered.

## REMARKS

Rep. Rozek: Thank you, Mr. Speaker. Honored members of the House, another Memorial Day is almost upon us and the Speaker has reminded me of the three-minute rule. I answered, "Yes, sir, Mr. Speaker, six minutes, please." And for those members who may know this story, please bear with me. Hardly a day passes for me in this legislature without hearing something mentioned about the PDA (Pease Development Authority). Pease Tradeport. So, what do the Pease Tradeport, Plymouth, New Hampshire, World War II, a B-17 Flying Fortress and the Congressional Medal of Honor have in common?

Thirteen million men and women served our country during World War II. Only 433 received our country's highest award for valor, the Congressional Medal of Honor. Three were from New Hampshire. I would like to share this interesting story with you about one of these individuals, Captain Harl Pease, a native from Plymouth, New Hampshire, born on April 10 1917.

Captain Pease had many friends. They were drawn to him by the warmth of his personality. He was a born leader of men, very energetic and dedicated to help win the war. After receiving his pilot's license in 1940, he was called to active duty. During 1941, he was assigned to join the first mass flight of B-17s over the Pacific earning his Air Medal Award. In the early part of 1942, he flew numerous rescue missions to Java and Corregidor, which earned him the Distinguished Service Air Medal.

Captain Pease always volunteered for whatever type of mission was needed: evacuations, bombing runs, strafing or reconnaissance. His navigational and mechanical skills served him well. Stationed at Port Moresby, New Guinea, scheduled for a bombing mission against Japanese forces at Lae, New Guinea on August 5, 1942, his B-17 took off and soon developed an engine failure. Since there were no facilities and equipment available at Port Moresby for repairs, as squadron commander, he



opted to fly to Townsville, Queensland, Australia. There, Captain Pease learned that his B-17 could not be repaired. He and his crew voluntarily selected and worked over one of the several grounded B-17s in order to complete their mission. Once the B-17 was made "so called" air worthy, they were not able to participate in the Lae mission. Undaunted, at approximately 11:00 p.m., Captain Pease and crew arrived back at Port Moresby where they rested for a few hours until approximately 1:00 a.m., when they rejoined their squadron for the bombing of the Japanese airdrome at Rabaul on August 7<sup>th</sup>.

Throughout the long flight to the target on New Britain Island, Captain Pease managed to keep the worn out B-17 in formation. Less than 11 miles from the target, Japanese Zeros jumped the flight of bombers. Captain Pease's B-17 took tremendous fire from the enemy fighters. However, his gunners managed to shoot down three Japanese Zeros. Captain Pease stayed in formation throughout the bombing run, dropping his bombs on target.

With the Zeros still chasing the B-17s back towards Port Moresby, Captain Pease's B-17 was seen to take fire on the bomb-bay fuel tank. Over the island of New Britain, Captain Pease was last seen dropping a flaming bomb-bay fuel tank when the other B-17s lost sight of him.

Captain Pease and his crew never returned to Port Moresby.

For years it was suspected that Captain Pease and crew perished with their aircraft. In the mid 1980's, it was discovered by John Mitchell, while visiting the Air Museum in Papua, New Guinea, that two Air Force officers had been shot down on August 7<sup>th</sup> and taken prisoner on the island of New Britain near Rabaul. The final piece of the puzzle was provided by a Catholic priest, Father George Lepping, who was interned at a Japanese prison camp near Rabaul in September, 1942. He found Captain Pease there along with three other American fliers. Everyone respected him, Father Lepping stated, including some of the Japanese guards. Captain Pease was a natural born leader without trying to be one. The Japanese looked up to Captain Pease because they were in awe of the Boeing B-17 Flying Fortress and to have the captain of a "Boeing" as the Japanese called them. The younger Japanese guards would refer to Captain Harl Pease in broken English as, "You, you Captain Boeing?"

Sadly, Father Lepping confirmed that on October 8, 1942, the 26 year old Captain Harl Pease from Plymouth, New Hampshire and three other Americans and two Australians were given picks and shovels and taken into the jungle by their Japanese captors to dig their own graves. The six unarmed prisoners were then subsequently executed by the sword.

On December 2, 1942, the parents of MIA Captain Harl Pease, on behalf of their son, received the Congressional Medal of Honor from President Franklin D. Roosevelt.

Pease Air Force Base was dedicated to Captain Harl Pease on September 7, 1957.

To this day, the remains of this brave and honored native of Plymouth, New Hampshire are buried somewhere in the humid jungle near Rabaul on the island of New Britain.

Rep. Loren Jean: The topic is going to be the same – Memorial Day. Memorial Day is the only national holiday that's celebrated while we are in session. However, there are two others, Independence Day on July 4<sup>th</sup> and Veterans' Day that have the same theme and that is veterans, armed forces, fighting men and women. Memorial Day memorializes those that have fallen and those that are deceased that served in the armed forces of the United States. Later on this year, December 7<sup>th</sup>, will be the 60<sup>th</sup> anniversary of the attack on Pearl Harbor, the attack that thrust United States into World War II.

Now, the average age a few years ago in this House was 59 years old and I think we are getting younger. So, probably, for most members in this House, they don't have a working recollection or memory of World War II. Those that served in World War II or those that have a working memory of World War II, they have perspective. That is what's lost on those, they have absolutely no idea of the monumental task that faced this country where ships were sunk in the tens of thousands, aircraft were lost in the hundreds of thousands and the human toll was in the scores of millions. We heard people say that they had gone through World War II unscathed. Nobody goes through war unscathed. Because you take a peace loving people from their farms, their factories, their homes, their hearths and you teach them to kill and destroy which is counter to human nature. So, on this Memorial Day weekend, I want you to think of these other holidays. I want you to think of the Fourth of July where people assembled a rag tag army and took on the world's superpower. They had no idea they were going to win. Yet, they defeated the largest army, the largest navy at the time. We had no in session Veterans' Day, so I want you to disperse a little intensity of your fervor on

this Memorial Day to those other two holidays while you are in this room. It is with intense pride that I serve with members of the armed forces that served in World War II that are present in this House, and with your permission, Mr. Speaker, would I ask them to rise, please.

Speaker: Would those members who are veterans who are in the House, please stand.

Rep. Jean: Now, I did not intend to slight any other veteran of any other conflict or any other veteran, period. Whether you serve in peace or war, when you don the uniform of the United States, you say to your brethren, your countrymen, that, "I am now a member of the warrior profession, do with me as you will and I will serve honorably." So, this Memorial Day weekend, I urge you, please have the intensity of pride that those people who wore the uniform had when they decided to serve their country and if there is a Memorial Day function in your town, attend it. If there is no Memorial Day function in your town, you have to be there when there is a parade, fold your hand over your heart and salute the flag in memory of all these people. Thank you.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.  
Adopted.

The House recessed at 11:25 a.m.

### RECESS

(Rep. Herman in the Chair)

### SENATE MESSAGES

### CONCURRENCE

*HB 129*, relative to amending condominium instruments governing assignment of limited common areas.

*HB 164*, relative to exceptions to the confidentiality of certain department of employment security records.

*HB 175-FN-L*, relative to the amount of the homestead right.

*HB 194*, relative to municipal budget hearings, recommendations, and reports.

*HB 224*, relative to persons who may sign nomination papers.

*HB 245*, relative to the duties and staff of the state geologist.

*HB 303-FN-A-L*, relative to funding of training and certification of firefighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees.

*HB 370*, relative to the regulation of the trapping by the fish and game department.

*HB 403*, relative to the effective date of special contracts for telephone utilities.

*HB 416*, relative to fire safety inspections for foster family homes.

*HB 435*, relative to assessment of service charges by municipalities and counties that accept credit cards for payment of local taxes, utility charges, or other fees.

*HB 452*, establishing a committee to study the reimbursement for expenses of legislators.

*HB 574*, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law.

*HB 594*, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors.

*HB 595*, relative to single producer licensing.

*HB 620*, relative to arrangements between birth parents and adoptive parents.

*HB 639*, relative to the preparation of town ballots.

*HB 663*, relative to lights on school buses.

*HB 680*, relative to foreign reinsurers.

### RE-REFERRED TO COMMITTEE

*HB 237*, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system.

*HB 448*, relative to procedures for crews and provision of counseling services following a railway accident.

*HB 270*, increasing the mileage reimbursement rate for members of the legislature.

**CONCURRENCE WITH AMENDMENTS**

**SB 14**, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries and ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett school districts.

**SB 42**, relative to charges for access to medical records.

**SB 45**, relative to the legislative oversight committee on electric utility restructuring and relative to service from a rural electric cooperative under special contracts.

**SB 61**, establishing a procedure for summary administration of estates.

**SB 169-FN**, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut.

**ENROLLED BILL AMENDMENT**

**HB 107**, naming a certain bridge in the town of Milford and naming the LaMott Wing at the Glenclyff Home for the Elderly

**Amendment (EBA 1300)**

Amend section 3 of the bill by replacing line 4 with the following:

under sections 1 or 2 of this act shall be approved by the department of transportation.

Adopted.

**RECESS**

**(Rep. Stritch in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 255**, establishing a committee to study the practice of "body works."

**Amendment (1226-EBA)**

Amend section 1 of the bill by replacing line 3 with the following:

Therefore, the general court recommends the formation of a committee to study the practice of  
Adopted.

**SB 49**, establishing a committee to study the creation of a landlord-tenant mediation project.  
(Amendment printed in SJ 5/31/01)

Adopted.

**RECESS**

**(Speaker Chandler in the Chair)**

**COMMITTEE ASSIGNMENTS**

Rep. Hill, off State-Federal Relations and Veterans Affairs; on Criminal Justice and Public Safety.

Rep. Leone, off Municipal and County Government; on State-Federal and Veterans Affairs.

**RECESS**

**(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 19**

Thursday, May 31, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Father Aime Boisselle of Sacred Heart Church in Concord. Heavenly and loving Father, we come to offer You a simple prayer from a simple people in a complicated and complex world with problems that often seem difficult to find solutions. We find ourselves inadequate sometimes to face the complexities surrounding us. And we know that science by itself cannot be sufficient in pointing out the way. Alone it does not contain the whole truth. Lord, give us a persevering zest for life. Give us a willingness to let things be as they are, at least as a starting point. Grant us a certain patience and withstanding of pressures.

The prophet Isaiah says, "Young men may grow tired and weary, youth may stumble, but those who wait for the Lord renew their strength. They put out wings like eagles. They run and do not grow weary, walk and never tire."

Lord, we pray that we may ever see our neighbor and realize that we only find ourselves, when we find and know our neighbor. And so we wish to be exposed without fear to human life and to be receptive to Your presence. Today, may our journey, which plunges us into the lives of people in New Hampshire, allow us to be human among humans. And may we be willing to let You and our fellow citizens shape our destiny.

O Guardian of our lives, we know that the best public servants are those who love well. We pray for Ronald Russell who has come to the end of his many years of service. Welcome him in the company of those good and faithful servants where he may enjoy the eternal peace he deserves. And we know that we are all in Your hands. And so we pray, knowing everything depends on You, and knowing everything depends upon God.

Rep. John Graham led the Pledge of Allegiance.

Elizabeth Masten, a student from Coe Brown Academy, sang our National Anthem.

**LEAVES OF ABSENCE**

Reps. Brown, Cardin, Jane Kelley, Langone, Martel, Pitts and Irene Pratt, the day, illness.  
Reps. Bouldin, Crosby, DePecol, Dowling, Naida Kaen, Leishman, Lessard, Millham, Mirski, O'Keefe, Pantelakos, Marsha Pelletier, Perkins, Leighton Pratt, Tara Reardon, Reid, Rodrigue, Saia, Salts, Taylor, Tholl, Welch, Wendelboe, Winter, and Woodward, the day, important business.  
Reps. Karen Hutchinson and Messier, the day, illness in the family.

**INTRODUCTION OF GUESTS**

William Bradley, husband of Rep. Paula Bradley. Barbara, John-Luc and Travis Comtois, daughter and grandsons of Rep. Lynde. Mary Ella and Mara Keith, daughter and granddaughter of Rep. Bowles.

The House offered the following:

**HOUSE RESOLUTION NO. 13**

Memorializing State Representative Ronald G. Russell of Keene

WHEREAS, we have learned with great sorrow of the death of our friend and colleague Ronald G. Russell of Keene, who was serving his fifth consecutive term as a dedicated member of the House of Representatives; and

WHEREAS, having served with distinction for two terms on the Committee on Corrections and Criminal Justice, Ronald G. Russell was in his third term as a valued and respected member of the Committee on Commerce; and

WHEREAS, having been born and raised in Troy, New Hampshire, Ronald G. Russell, following his graduation from St. Michael's College, lived all of his adult life in Keene, a city he served with an abundance of energy and pride as a member of the City Council, the Zoning Board of Adjustment, the Downtown Merchants' Association, the Chamber of Commerce, the Lions' Club, the Knights of Columbus and the Cheshire Housing Trust; and



WHEREAS, Ronald G. Russell was a gentleman widely known for his sartorial splendor, his ready smile and his genuine interest in and caring for all people; a man who had a ready knowledge of good restaurants and who shared many interests with his friends and family, including trains, fishing, gardening and, especially, a good round of golf; and a man who, although he did not drive a car, always got where he was going; now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Ronald G. Russell be granted the highest of accolades for his outstanding and dedicated service to his community and his state; and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

Rep. Avery moved that the remarks made by Rep. John Pratt be printed in the Permanent Journal. Without objection, the Speaker so ordered.

### REMARKS

Rep. John Pratt: Thank you, Mr. Speaker. Mr. Speaker, Ron Russell was preeminently, quintessentially, a son of Cheshire County. And for that reason, I hope and trust I speak not just for myself this morning and not just for the 23 other members of the present Cheshire County delegation. I hope I speak also for all those men and women from my county who served with Ron Russell in this House over the past nine years. And I hope I speak especially for those two representatives from Cheshire County who served with him and preceded him in death, Dick Champagne and, in this session, Mickey Lambert.

I hope I speak for all of us in saying thank you to the Governor, to you, Speaker Chandler, to the Deputy Speaker, to the Democratic Leaders and most of all thank you to all the members of both chambers who honored Ron by your presence at his wake or at his funeral. In honoring him you have honored us. At the reception which followed the service, and it was a moving, moving service, Pat said to me, "Ron must have loved every minute of it." And I am sure he did. He was, after all, among his friends and his colleagues.

Our colleague was an extraordinary human being. Ron Russell was a man who loved telling stories. He would start one when he got in the car in Keene and still be in the midst of it as we pulled up to the LOB. He was a true raconteur. Ron loved clothes, buying them and selling them and wearing them. He got away with, and looked good in, outfits you and I wouldn't dare put on. He was a true Dapper Dan. Ron loved good food and good parties and good times. Many of us here know that from personal experience. He was a true *bon vivant*. But most of all, Ron loved doing the people's work. He loved representing them. He loved this chamber, this room. He was a true legislator. He didn't wear his nametag often, but you never saw him without his lapel pin. He treasured it and he took it with him to the grave. Mr. Speaker, perhaps somewhere out there is a great celestial legislature whose job it is to plead perpetually to those in charge to give another chance to us poor mortals down here struggling so hard and, most often, so unsuccessfully to manage our free will. And, Mr. Speaker, if such an assembly exists, I ask you to imagine the scene when it convenes next and its two newest freshmen legislators enter the chamber arm-in-arm, ready and delighted to take up their new duties, New Hampshire's own Ron Russell and our neighbor from the south, Massachusetts Representative Joe Moakley.

If we on earth have lost two of our finest legislators, we have gained two powerful intercessors. And so, Ron, when the time comes for our sake, if you get the chance, would you press the green button?

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 501**, relative to licensure of foster homes and the duties of the department of health and human services advisory board. (Amendment printed SJ 5/24/01)

Rep. Lyman moved that the House concur and spoke in favor.

Adopted.

**HB 394**, relative to short-term health insurance policies for certain persons. (Amendment printed SJ 5/24/01)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 753**, relative to exemptions from issuer-dealer licenses for the sale of securities. (Amendment printed SJ 5/24/01)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 610**, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. (Amendment printed SJ 5/24/01)

Rep. Babson moved that the House concur and spoke in favor.

Adopted.

**HB 371**, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant. (Amendment printed SJ 5/24/01)

Rep. Dyer moved that the House concur and spoke in favor.

Adopted.

**HB 158**, relative to the use of an artificial light to locate moose. (Amendment printed SJ 5/24/01)

Rep. McKinney moved that the House concur and spoke in favor.

Adopted.

**HB 612**, relative to expenditures from the dam maintenance fund by the department of environmental services. (Amendment printed SJ 5/24/01)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

**HCR 5**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (Amendment printed SJ 5/24/01)

Rep. Avery moved that the House concur and spoke in favor.

Adopted.

**HCR 13**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Amendment printed SJ 5/24/01)

Rep. Avery moved that the House concur and spoke in favor.

Adopted.

**HB 219**, relative to the rules of the road involving school buses. (Amendment printed SJ 5/24/01)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift. (Amendment printed SJ 5/24/01)

Rep. Lyman moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dowling, Moran, Pantelakos and Lyman.

**HB 676-L**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. (Amendment printed SJ 5/24/01)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. O'Connell, Phinizy, Babson and Cobb.

**HB 585**, relative to the membership and duties of the council on resources and development. (Amendment printed SJ 5/19/01)

Rep. Dyer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dyer, Zolla, Schulze and Charles Hall.

**HB 723**, relative to vacancies in county offices. (Amendment printed SJ 5/24/01)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Brundige, Marilyn Fraser, Lockwood and Twombly.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Hess moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 712-FN**, relative to the coordination of state, regional, and local planning efforts, removed by Rep. Hamel.

**SB 193-FN-A-L**, relative to changes in the property tax system and making an appropriation therefor, removed by Rep. Patten.

Consent Calendar adopted.

Rep. Scanlan declared a conflict of interest on **SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment, and did not participate in the vote.

**HB 386**, relative to the relocation of the principal residence of a child. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claire B. McHugh for Children and Family Law: The objection of this bill is to provide a reasonable notice of 60 days to a non-custodial parent that the custodial parent intends to relocate. It provides the non-custodial parent an opportunity to challenge the move if (s)he doesn't approve it. If challenged, it places the burden on the custodial parent to defend the move as having a legitimate purpose. The custodial parent is under no obligation to provide a notice if the relocation results in the child moving closer to the non-custodial parent or within the child's current school district. Vote 17-0.

**Amendment (1144h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Annulment, Divorce and Separation; Custody; Relocation of the Principal Residence of a Minor Child. Amend RSA 458 by inserting after section 23 the following new section:

458:23-a Relocation of the Principal Residence of a Child.

I. This section shall apply to relocation of the principal residence of a child if the existing custody order or other enforceable agreement between the parties does not expressly govern the relocation issue. This section shall not apply if the relocation results in the child moving closer to the non-custodial parent or to any location within the child's current school district.

II. The custodial parent, prior to relocating, shall provide reasonable notice to the non-custodial parent. For purposes of this section, 60 days notice shall be presumed to be reasonable unless other factors are found to be present.

III. At the request of either the custodial or non-custodial parent, the court shall hold a hearing on the relocation issue.

IV. The custodial parent seeking permission to relocate bears the initial burden of demonstrating, by a preponderance of the evidence, that:

(a) The relocation is for a legitimate purpose; and

(b) The proposed location is reasonable in light of that purpose.

V. If the burden of proof established in paragraph IV is met, the burden shifts to the non-custodial parent to prove, by a preponderance of the evidence, that the proposed relocation is not in the best interest of the child.

VI. If the court has issued a temporary order authorizing temporary relocation, the court shall not give undue weight to that temporary relocation as a factor in reaching its final decision.

VII. The court, in reaching its final decision, shall not consider whether the custodial parent seeking to relocate has declared that he or she will not relocate if relocation of the child is denied.

2 Effective Date. This act shall take effect 60 days after its passage.

**SB 74**, relative to providing services under the Child Protection Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher J. Seibel for Children and Family Law: This bill, as amended, would allow families to request services from DCYF without being found guilty of abuse or neglect. The committee felt that this amended version would be a preventive step for families to avoid instances for unintended abuse/neglect. Vote 15-0.

**Amendment (1216h)**

Amend the bill by replacing section I with the following:

I New Paragraph; Duties of the Bureau of Children; Voluntary Service Plan. Amend RSA 169-C:34 by inserting after paragraph IV the following new paragraph:



V. Notwithstanding any other provision of law to the contrary, the department may, pursuant to a voluntary service plan that is developed at the request of the minor's parent or legal guardian, and provided for a minor and the minor's family by the department, offer voluntary services to families without making a determination of the person or persons apparently responsible for the abuse or neglect. The department shall adopt rules, pursuant to RSA 541-A, relative to the provision of voluntary services under this paragraph.

**HB 631-L**, relative to access to public school programs by home educated pupils. **OUGHT TO PASS WITH AMENDMENT**

Rep. Steven J. Winter for Education: Although current law permits home school students access to education choices in their home district public schools, there have been interpretations that this ability to access ends at age sixteen. This bill adds language that continues access to programs of study, instructional programs and co-curricular programs until graduation, in a manner that treats home-schooled students the same as public schooled students. Vote 15-2.

**Amendment (1244h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to access to public school programs by nonpublic or home educated pupils.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Pupils; School Attendance; Access to Public School Programs. Amend RSA 193 by inserting after section 1-b the following new section:

193:1-c Access to Public School Programs by Nonpublic or Home Educated Pupils.

I. Nonpublic or home educated pupils shall have access to programs of study, instructional programs, and cocurricular programs offered by the school district in which the pupil resides. The local school board may adopt a policy regulating such access, provided that such policy shall not be more restrictive than the policy governing the school district's resident pupils. In this section, "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. For purposes of allowing access as described in this section, a "home educated pupil" shall include any pupil who has not yet graduated from a high school level program of home education, or its equivalent.

II. Nothing in this section shall be construed to require a parent to establish a home education program which exceeds the requirements of RSA 193:1.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill provides that home educated pupils shall not be denied access to programs of study, instructional programs, or cocurricular programs offered by the school district in which the pupil resides, and that local school boards may establish a policy regulating such access, provided the policy is not more restrictive than the policy governing the school district's resident pupils.

**SB 130-FN**, extending the period in which an expired electrician's license may be renewed. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: This bill would have extended the period of time within which an expired electrician's license could be renewed from one to six years. As amended, electricians who have been performing electrical work in another state who can show proof of completion of the most current continuing education requirement and who have placed their license in an inactive status in New Hampshire, shall be allowed to renew their license within one year of termination of employment in the other state. Vote 18-0.

**Amendment (1202h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to renewals of licenses of certain electricians.

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Renewal of Licenses. Amend RSA 319-C:9 by inserting after paragraph II the following new paragraph:



III. Upon request of a master or journeyman electrician who is or will be performing electrical work in another state, the board shall place the such licensee on inactive status, unless the inactive status conflicts with existing administrative rules concerning interstate reciprocity of licenses. The license may be reactivated within one year of termination of employment in the other state by payment of the renewal fee and with proof of completion of the most current continuing education requirement.

2 Effective Date. This act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill requires the electricians' board to place a licensee in an inactive status if such licensee requests such action and if the licensee will be employed in other states. The licensee may renew the inactive license within one year of termination of employment in the other state by paying the required fee and providing proof of completion of continuing education requirements.

**SB 132**, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends. **OUGHT TO PASS**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill directs the Department of Health and Human Services with the assistance of other state agencies and with participation of the general court, representatives of business and industry, service providers, consumers and advocacy groups and the general public to collect and analyze relevant demographic data concerning the projected aging of the New Hampshire population and the impact of the demographic data through 2025 and to report periodically to the general court on actions taken pursuant to this responsibility. Vote 12-1.

**SB 143-FN**, establishing a study committee relative to registering and regulating home improvement contractors. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill started out as a licensing bill, but was amended by the senate to create a study committee. The committee heard testimony about the broad range of services that are involved in home improvement such as driveway paving, landscaping, painting, wallpapering, etc. The sub-committee was interested in the extent of the problem and the committee researcher revealed that only 15% of calls to the Better Business Bureau were related to home improvement issues. It was also revealed that in those states that have registration of these types of contractors, there are still problems. The committee finally decided that the best resolution to shoddy practices of a contractor is still the court system. At a time when other bills relating to building codes are still working their way through the house, the majority felt that this study was unnecessary and unlikely to be productive. Vote 17-1.

**SB 167-FN-A**, relative to the medicaid payment for long-term care services. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill forms a committee to advise the Commissioner of Health and Human Services on issues relating to long-term care rates. The committee is representative of long-term care providers. Rate setting remains as the responsibility of the Health and Human Services Commissioner. The bill also requires a memorandum of agreement with counties requiring cooperative work. Certain reporting requirements are included. There is no fiscal impact involved with this bill.

### Amendment (1299h)

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. The general court recognizes that the elderly represent a growing population that will require long-term care services. Therefore, it is important to review the rates paid to all providers of long-term care in order to allocate resources for the provision of these services.

2 New Sections; Long-Term Care Rate Advisory Committee. Amend RSA 151-E by inserting after section 6 the following new sections:

151-E:6-a Long-Term Care Rate Advisory Committee.

1.(a) There is hereby established a long-term care rate advisory committee to advise the department of health and human services regarding long-term care payment rates. The committee shall be appointed by the commissioner of the department of health and human services and shall consist of the following members:

(1) Two members of the house of representatives, one of whom shall be from the health and human services, and elderly affairs committee, appointed by the speaker of the house.

(2) Two members of the senate appointed by the president of the senate.

(3) Two persons representing county nursing facilities, recommended by the New Hampshire Association of Counties.

(4) Two persons representing private nursing facilities, recommended by the New Hampshire Health Care Association.

(5) Two persons representing home health care providers, including one for-profit provider and one not-for-profit provider, recommended by the Home Health Care Association of New Hampshire.

(6) Two persons representing adult medical day care providers, recommended by the Adult Medical Day Care Providers Association.

(7) One person representing meals on wheels providers, recommended by the New Hampshire Nutrition Providers Association.

(8) One person representing transportation providers, recommended by the New Hampshire Association of Transportation Providers.

(9) One person representing other qualified agencies that provide personal care services, recommended by any such agencies.

(10) One person who is a geriatric psychiatrist.

(11) One person representing residential care providers, recommended by the Association of Residential Care Homes of New Hampshire.

(12) Two consumer representatives.

(13) Two persons representing ServiceLink New Hampshire, one from a rural area and one from an urban area, recommended by the ServiceLink New Hampshire network.

(14) One direct care provider of personal care.

(15) One certified nurse assistant, recommended by the New Hampshire board of nursing.

(16) One registered nurse, recommended by the New Hampshire board of nursing.

(b) The legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(c) The committee shall review the commissioner's rate setting structure for reimbursement of long-term care providers, required under paragraph II, and submit its report, together with its recommendation for legislation to the president of the senate, the speaker of the house, the governor and the executive council on or before September 1, 2002 and at least every 2 years thereafter.

II. The long-term care rate advisory committee shall evaluate long-term care provider rate payments and make recommendations to the department. The commissioner shall include the results and outcome of this analysis in the report required in subparagraph I(c). This analysis shall be completed periodically and not less frequently than every 2 years.

151-E:6-b Memorandum of Agreement. The department of health and human services shall establish, by means of a memorandum of agreement with the New Hampshire Association of Counties, a mechanism for the receipt of input from the Association of Counties regarding the type, cost, utilization, and procedures relative to payments which the counties are obligated to make pursuant to RSA 167:18-b. The memorandum of agreement shall be reviewed annually and amended as may be determined to be necessary by the parties.

151-E:6-c Payment System for Nursing Facilities. The payment system for nursing facility level of care shall be as follows:

I. Rate calculation worksheets for all providers will be provided at least 30 days prior to the effective date of any rate changes.

II. Acuity levels must be updated at least semi-annually, on a regular, predictable basis using the latest available data.

III. The commissioner of the department of health and human services shall continue to evaluate the effectiveness of the acuity-based payment system for medicaid payments for nursing facility care. The commissioner shall determine if any changes in the payment system are appropriate.

IV. Any changes to the payment system for medicaid services in nursing facilities in this section shall be completed as quickly as possible but no later than March 1, 2002.

V. Any rate changes due to the updating of acuity or cost data shall occur only with proper prior notification and explanation to affected providers and the affected beneficiary population.

3 Effective Date. This act shall take effect upon its passage.

**SB 62, relative to guardianships. OUGHT TO PASS WITH AMENDMENT**

Rep. Peter S. Espieffs for Judiciary: This bill requires the probate court to inquire into any criminal and child abuse and neglect records of a proposed guardian for a minor child. It also establishes new procedures for termination of guardianships, and the death, removal or resignation of a guardian, and the transfer of guardianships to and from foreign jurisdictions. Finally, it increases the time for filing the required annual report of the guardian of an incapacitated person. Vote 12-0.

**Amendment (1171h)**

Amend RSA 464-A:40, II and III as inserted by section 7 of the bill by replacing them with the following:

II.(a) The ward or any person interested in the ward's welfare may, at any time, file a motion for the termination of the guardianship based upon a finding that the ward is no longer incapacitated. Provided, however, an order adjudicating incapacity may specify a minimum period, not exceeding one year, during which no motion concerning such adjudication may be filed without special leave.

(b) A ward may request the termination of the guardianship based on a finding that he or she is no longer incapacitated in an informal letter to the court or judge. Persons directly responsible for the care and supervision of the ward may assist the ward in preparing a letter of this kind. Any person who knowingly interferes with a transmission made by, or on behalf of, a ward to the court or judge may be adjudged guilty of contempt of court.

(c) Unless the motion is without merit, the court shall hold a hearing similar to that provided for in RSA 464-A:8 and RSA 464-A:9 at which the guardian shall be required to prove that the grounds for appointment of a guardian provided in RSA 464-A:9 continue to exist.

III. Upon termination of a guardianship of the estate, the guardian shall file a final account with the court within 90 days after the date of termination, or as ordered by the court. When the guardianship is terminated as a result of the ward's death, the guardian shall include a copy of the death certificate. Upon approval of the account, the guardian shall be discharged and his or her bond released.

**SB 82, relative to service of process in marital matters. OUGHT TO PASS**

Rep. Phyllis Woods for Judiciary: The committee felt that this bill provided a more respectful and considerate way to deal with service of a libel for divorce rather than subjecting someone to the embarrassment of having service be made to them at their home or place of employment. It will allow the libel to be picked up by the person himself or herself at the court within a specified time period if they so wish. Vote 13-0.

**SB 100, establishing a committee to study the feasibility of creating a mental health court division. OUGHT TO PASS**

Rep. Peter Leishman for Judiciary: There was enough support during the public hearing that the majority of the Judiciary committee saw no harm in a study of the feasibility of such a court division. We would suggest the study committee work with the Health, Human Services and Elderly Affairs Committee that has retained HB 235 that establishes a committee to study certain mental health systems and the mentally ill persons in New Hampshire. Vote 11-2.

**SB 114, establishing a committee to study issues relating to judicial reform, and making an appropriation therefor. INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill establishes a committee to study seven subjects for judicial reform that must be reported on by November 1, 2001. Some of the subjects have been addressed by the committee this year. The other subjects are of great importance to the committee and should be addressed individually. Each subject is complex and to study all would be unwieldy and difficult to efficiently accomplish by November 1, 2001. One subject alone, "whether all judges should be full-time" would probably require the committee to hold local hearings throughout the state. Vote 12-1.

**SCR 1, urging the supreme court to expand the membership of the advisory committee on rules to include legislative members. INEXPEDIENT TO LEGISLATE**

Rep. Loren Jean for Judiciary: This resolution addresses the same topic that is the core of the 73-A issue – Court Rules. CACR 5, which passed this House by an 86% margin and is pending in the Senate addresses this very issue. CACR 5 would deal with any rules from the Court regardless if there were legislative members on the court committee or not. The committee felt there was an unnecessary duplication of efforts and clouded the separation of powers issue. Vote 13-1.



**SB 134-FN-A**, establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways. **OUGHT TO PASS**  
Rep. Gabriel J. Daneault for Public Works and Highways: This study committee would bring forward concerns of constituents who felt these issues were not being addressed via the New Hampshire Department of Transportation rule making process. Many states have developed guidelines helpful to the motoring public, beneficial to the state, local communities and businesses. Vote 16-0.

**SB 107-FN**, relative to violations of motor vehicle laws by foreign diplomatic and consular officers. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert J. Letourneau for Transportation: This bill would require the Department of Safety to report traffic violations and accidents to the United States Department of State. Currently there is no process in place to cover notification in the event of accidents resulting in serious injury or death. This bill does not change or undermine diplomatic immunity as currently accepted by diplomatic service. Vote 14-0.

#### **Amendment (1224h)**

Amend RSA 262:28-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The provisions of this section shall not prohibit or limit the application of any other provision of law to a person who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

**SB 165-FN**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert J. Letourneau for Transportation: This bill prohibits the sale or transfer of 3-wheeled all-terrain vehicles by state and local government. This bill also encourages training and education for persons registering a 3-wheeled ATV. The amendment changes the education component from mandatory to voluntary. Vote 12-0.

#### **Amendment (1225h)**

Amend RSA 262:28-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The provisions of this section shall not prohibit or limit the application of any other provision of law to a person who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

**HB 523**, relative to filing fees and legislative approval of certain settlements by the attorney generals. **OUGHT TO PASS**  
Rep. Vivian R. Clark for Ways and Means: The committee found that both the fee increase and the legislative oversight, contained within this bill, were justified. Vote 13-0.

**SB 58**, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor. **OUGHT TO PASS**  
Rep. Howard C. Dickinson for Ways and Means: This bill, as amended by the Senate, corrects the statute (RSA 187-E) to require the applicants for license to distribute bingo supplies and equipment and lucky 7 tickets to have a principal place of business within the state. The previous law required the applicant to have been a resident of New Hampshire for at least 2 years, a requirement that is unconstitutional according to the attorney general's office. This change was requested by the Sweepstakes Commission. Vote 12-0.

**SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Howard C. Dickinson for Ways and Means: This bill, as amended, recodifies RSA 79:1, III, the section defining stumpage value for the calculation of the Timber Tax (aka "Yield Tax"). This change requires the assessing officials to consider the actual stumpage prices paid when determining the "yield tax" on timber cut. In the past selectmen and other assessing officials unfamiliar with the wood industry and logging practices have frequently used the highest stumpage values provided by the Dept. of Revenue Administration without regard for what the landowner actually received. This bill, as amended, helps resolve this long-standing problem related to the determination of stumpage value. Vote 13-0.



**Amendment (1172h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Stumpage Value; Timber Tax. RSA 79:1, III is repealed and reenacted to read as follows:

III. "Stumpage value" means the amount determined by the assessing officials in the same manner as other property values for the purposes of taxation at the time the timber is cut. The assessing official shall take into consideration the location of the timber, the quality of the timber, the size of the sale, and any other factors necessary to harvest the wood or timber that affect the value of timber being cut. Stumpage value of all forest products except those customarily measured by the cord, by weight, or by the piece shall be determined on the basis of international 1/4 inch rule log scale. If there are questions by the assessors regarding the true and accurate stumpage values reflected in contracts presented by the owner as the basis for timber tax assessment, the department of revenue administration, property appraisal division, shall be available to assist or advise the municipalities in the proper calculation of the stumpage value for assessment purposes. The burden shall be upon the owner filing the "Report of Wood Cut" form to demonstrate the reasonableness of a claim under this paragraph.

(a) For standing timber sold to a purchaser, the assessing official shall consider the stumpage price paid on a per cord, per 1,000 board foot, by weight or other basis when calculating stumpage value. If the assessing official finds that a claim is not commercially reasonable then the assessing official may, after conducting an inspection of the property, use the average stumpage value list provided by the department of revenue.

(b) For sales of timber where the product is not sold as standing timber, the assessing official shall use the average stumpage value list provided by the department of revenue administration.

2 Effective Date. This act shall take effect April 1, 2002.

**REGULAR CALENDAR**

**HB 757**, revising the definition of an adequate education; establishing an education improvement fund, and implementing a professional development program and an early literacy initiative within the department of education; and revising the formula to calculate the cost of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Winter for the Majority of Education: In accordance with the recommendation of the Adequacy Commission, this bill creates and offers, but does not mandate an early literacy/reading initiative using only outcome-proven programs to "Teach the Teachers" of young children, parents and other primary caregivers, early childcare providers and primary school teachers. The committee heard compelling testimony about the importance of high quality early childhood experiences, especially the development of pre-literacy language skills, to the importance of school success. The committee felt this initiative to be a wise investment, which would pay future dividends in the education of our state's children. Vote 17-3.

Rep. John R. Alger for the Minority of Education: This bill and this amendment introduce preschool education as a state responsibility (children through age 5), with implications to full adoption into "adequacy" in the future. Further, it introduces the concept of drawing funds from the Education Trust Fund for preschool program administration, development and payment to early childcare providers, specialists, as well as, parents, guardians and other primary caregivers. Early learning to read is certainly important, but there is serious controversy over the optimum methods to accelerate reading ability of youngsters, which this bill leaves open to a committee and those receiving aid. Finally, it remains vague as to who shall administer the funds and follow up for demonstration of success or lack thereof. The Cato Institute reports that "experience provides little reason to believe universal preschool would significantly benefit children, regardless of family income".

**Amendment (1285h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing an early literacy and reading improvement initiative.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Early Literacy and Reading Improvement. Amend RSA by inserting after chapter 193-F the following new chapter:

## CHAPTER 193-G EARLY LITERACY AND READING IMPROVEMENT

193-G:1 Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate public elementary and secondary education, it is essential that by the end of grade 3 virtually every child is reading independently at grade level. Therefore, the general court enacts a program of professional development and support for those who impact the child's reading skill: parents and early child care providers who prepare young children for reading, and primary school teachers.

193-G:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "State board" means the state board of education.
- IV. "Primary school" means a school that includes grades K-3 or any grouping thereof.
- V. "Pre-school children" means children through age 5 that are not enrolled in a primary school.
- VI. "Early child care providers" means individuals that are paid to provide care and education to children through age 5 that are not enrolled in a primary school.
- VII. "Early childhood specialist" means an experienced teacher who, by virtue of specialized training, appropriate experience, and demonstrated success, has the knowledge and skills necessary to provide early learning and reading assistance to other individuals.
- VIII. "Primary caregivers" means parents, guardians, or others with primary responsibility for the child.

193-G:3 Comprehensive Early Literacy and Reading Improvement Initiative. It shall be the policy of this state to provide outcome-proven programs of support and education to primary caregivers, early child care providers, and primary school teachers and administrators that shape the language and literacy development of children through a comprehensive, coordinated, early literacy and reading improvement initiative which shall:

- I. Provide primary caregivers with an outcome-proven program of information and support including the key elements of the young child's developing early literacy knowledge and skills.
- II. Provide to early childhood providers:
  - (a) An outcome-proven program of instruction and support in the developing literacy of pre-school children delivered by early childhood specialists.
  - (b) Scholarships to participate in college credit courses in the development of early literacy in pre-school children.
- III. Provide primary school teachers and administrators with structured, outcome-proven, school-wide professional development in reading instruction through the use of intensive summer institutes, regional meetings, and reading specialists who will provide follow-up activities and continuous technical assistance during the school year. Participating teachers will receive training and materials to implement baseline and checkpoint reading assessments on an individual basis in grades 1 and 2.
- IV. Involve institutions of higher education in partnerships to:
  - (a) Better prepare new teachers to utilize outcome-proven early literacy knowledge and skills and deliver outcome-proven reading instruction.
  - (b) Coordinate opportunities for local school districts, institutions of higher education, early child care providers, and primary caregivers to work together to deliver high-quality, outcome-proven reading instruction to primary school children as well as provide research-based support for the development of early literacy in preschool children.

193-G:4 Early Literacy and Reading Improvement Fund.

I. There is hereby established an early literacy and reading improvement fund in the office of the state treasurer. This fund shall be used for the purpose of providing education and support to primary caregivers of young children, early child care providers and primary school teachers and administrators in developmentally appropriate literacy instruction. This fund shall be nonlapsing. For the fiscal year beginning July 1, 2002, an amount equal to 1/3 of one percent of the statewide cost of providing an adequate education for that fiscal year, as calculated in accordance with RSA 198:40, III, shall be transferred from the education trust fund to the early literacy and reading improvement fund. Approximately equal parts of this fund shall be used to support the primary school professional development program in reading instruction established in this section and the program of early literacy and reading improvement established in this subdivision. Beginning July

1, 2003, and each July 1 thereafter, an amount equal to 2/3 of one percent of the statewide cost of providing an adequate education for that fiscal year, as calculated in accordance with RSA 198:40, III, shall be transferred from the education trust fund to the early literacy and reading improvement fund. Moneys transferred to this fund shall be in addition to the funds required to distribute adequate education grants to school districts pursuant to RSA 198:42. The governor is authorized to draw a warrant from the education trust fund to satisfy the provisions of this paragraph.

II. In addition to the provisions of paragraph I, and to carry out the purposes for which this fund is established, the amounts transferred to the fund shall be used to provide early literacy and reading improvement assistance, including grants, to local school districts as well as to administer the fund. These funds shall also be used to develop, provide, and evaluate outcome-proven programs and courses established in RSA 193-G:3, I-III, and to provide technical assistance and professional development activities through grants, contracts with consultants, and the employment of individuals to fill authorized, program-related positions. Not more than 3 percent of annual fund expenditures shall be used to administer the fund. Moneys in this fund shall not be used for any other purpose.

III. For the fiscal year beginning July 1, 2002, and each fiscal year thereafter, grants to local school districts shall be used to address the areas specified in RSA 193-G:3, as well as other demonstrated needs related directly to early literacy and the improvement of reading. The administration of the early literacy and reading improvement grant program involves the following:

(a) Establishing forms and procedures for districts to use for the development and submission of early literacy and reading improvement grant requests, including:

(1) A detailed plan and budget, with the opportunity to request up to 3 years of financial assistance for both primary school professional development and preschool or caregiver components; and the further opportunity to apply for additional assistance based on demonstrated need.

(2) An assurance that grant funds will be used only to supplement and not supplant ongoing local efforts.

(3) A description, if applicable, of how grant activities were planned in consultation with, and will be implemented in coordination with the goals of the initiative, institutions of higher education, early child care providers, and primary caregivers.

(4) A delineation of the geographic area to be served by the project.

(b) Providing assistance to districts in the development of grant requests.

(c) Establishing an equitable grant review process that:

(1) Includes an evaluation of each proposal's adequacy, educational appropriateness, and cost effectiveness, and the extent to which additional revenues are required to implement the proposed plan and activities.

(2) Gives priority to districts with lower-performing schools in reading that have satisfactorily addressed the review criteria in subparagraph (1) and are proposing reasonable efforts to address early literacy needs and/or improve reading performance.

(d) Reviewing grant requests with recommendations for approval, including level of funding and, to the extent possible, balanced geographic distribution.

(e) Distributing grant payments to school districts in accordance with an established payment schedule specified in the district's grant approval notification.

(f) Monitoring the implementation of funded plans and activities.

(g) Evaluating the educational impact of the programs established in RSA 193-G:3, I-III on:

(1) Parent and early childhood provider understanding of child development concepts.

(2) Adult-child interactions in early childhood programs, as well as the phonological awareness, development of vocabulary, access to books and appropriate reading and writing opportunities, and understanding of print concepts of children in early childhood programs.

(3) Reading skill and comprehension in primary school students.

193-G:5 Rulemaking. The state board shall, pursuant to RSA 541-A, and not later than July 1, 2002, adopt rules relative to the administration of the early literacy and reading improvement program established in RSA 193-G:3 and the early literacy and reading improvement fund established in RSA 193-G:4.

193-G:6 Early Learning Oversight Committee Established.

I. An early learning oversight committee shall be established and shall consist of the following members:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the senate president.



(c) Three members of the public appointed by the governor, 2 of whom shall serve a 2-year term, and one of whom shall serve a 3-year term.

(d) Two members of the public, appointed by the speaker of the house, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

(e) Two members of the public, appointed by the senate president, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

II. Legislative members of the committee shall serve a term of office coterminous with their membership in the general court.

III. Legislative members of the committee shall receive mileage at the legislative rate while attending to the duties of the commission.

#### 193-G:7 Duties.

I. The duties of the early learning oversight committee shall be to:

(a) Examine administrative models in place in New Hampshire and in other states to determine the most effective administrative structure and oversight to assure the effective implementation of the early literature and reading programs funded in this act.

(b) Determine the most effective administrative relationship between the department of education, the department of health and human services and other providers of early literacy and reading programs to assure that the services provided interact in a manner which promotes efficiency and maximizes benefits to children.

(c) Review the development and implementation of the program to ensure it is in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's approval.

(d) Oversee the outcome-proven early literacy and reading improvement programs established in RSA 193-G:3, I-III, including the impact of each program on the improvement of reading skills and comprehension of students in low-performing schools.

(e) Oversee the effect of each early literacy and reading improvement program established in RSA 193-G:3, I-III on the improvement of reading skill and comprehension of students in low-performing schools and early literacy and language skills of children in child care settings in the region of the schools.

II. The department of education shall provide administrative oversight and support to the committee.

193-G:8 Report. The committee shall submit a report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the state library, and the governor on or before November 1 of each year.

2 School Money; Education Trust Fund Amended. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, [and] to provide education property tax hardship relief under RSA 198:55, *and to provide early literacy and reading improvement assistance to school districts through the early literacy and reading improvement fund established in RSA 193-G:4.* The state treasurer shall deposit into this fund immediately upon receipt:

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes an early literacy and reading improvement initiative and provides that beginning July 1, 2002, 1/3 of one percent of the statewide cost of providing an adequate education for that fiscal year shall be transferred from the education trust fund into the early literacy and reading improvement fund. The bill also provides that on July 1, 2003, and each July 1 thereafter, 2/3 of one percent of the statewide cost of providing an adequate education for that fiscal year shall be transferred from the education trust fund into the early literacy and reading improvement fund. Reps. Sullivan, Sova, Alger and Harrington spoke against. Reps. Estabrook and Kurk spoke in favor. Rep. Harrington requested a roll call; sufficiently seconded. The question being adoption of the majority amendment.



**YEAS 246****BELKNAP**

Flanders, Donald  
Rice, Thomas Jr  
Wood, Jane

Holbrook, Robert  
Rosen, Ralph

Nedeau, Stephen  
Russell, David

Pilliod, James  
Thomas, John

**CARROLL**

Babson, David Jr  
Philbrick, Donald

Bradley, Jeb  
Quimby, Lee

Kenney, Joseph  
Stevens, Stanley

Patten, Betsey

**CHESHIRE**

Allen, Peter  
Edwards, Dana  
Manning, Joseph  
Pratt, John  
Smith, Edwin

Avery, Stephen  
Espiefs, Peter  
McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

Batchelder, Robert  
Fairbanks, Chandler  
Meader, David  
Roberts, William  
Zerba, Roger

Burnham, Daniel  
Hunt, John  
Mitchell, McKim  
Royce, H Charles

**COOS**

Bradley, Paula  
Landers, Dana

Davis, Perley  
Mears, Edgar

Gallus, John  
Stohl, Eric

Horton, Lynn

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Nordgren, Sharon  
Sokol, Hilda

Almy, Susan  
Ham, Bonnie  
Pawlek, Marion  
Solow, Martha

Benn, Bernard  
Lovett, Sid  
Scanlan, David  
Teschner, Douglass

Cooney, Mary  
Naro, Debra  
Scovner, Nancy  
Ward, Brien

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Bergin, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dionne, Kimberley  
Duval, Jeffrey  
Emerton, Lawrence Sr  
Foster, Linda  
Gorman, Mary  
Guinta, Frank  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Martin, Mary Ellen  
Movsesian, Lori  
Pepino, Leo  
Sargent, Maxwell  
Sweeney, Cynthia

Andosca, Mary  
Baroody, Benjamin  
Brundige, Robert  
Chabot, Robert  
Clemons, Jane  
Dokmo, Cynthia  
Dwyer, Paul  
Fields, Dennis  
Gargas, Carolyn  
Goulet, Maurice  
Haley, Robert  
Kacavas, John  
L'Heureux, Robert  
Leach, Edward  
McDonough-Wallace, Alice  
Palangas, Eric  
Peterson, Andrew  
Schulze, Joan  
Thulander, O Alan

Arnold, Thomas Jr  
Batula, Peter  
Buckley, Raymond  
Christensen, D L Chris  
Cote, David  
Drabinowicz, A Theresa  
Dyer, Merton  
Flora, Kathleen  
Ginsburg, Ruth  
Graham, John  
Hall, Charles  
Keye, Harvey  
LaFlamme, Paul  
Lefebvre, Roland  
Melcher, Harold  
Panagopoulos, Nicholas  
Reeves, Sandra  
Shaw, Barbara  
White, John

Artz, Lawrence  
Bellavance, Paul  
Calawa, Leon Jr  
Clayton, William  
Cote, Peter  
Drisko, Richard  
Elliott, Larry  
Ford, Nancy  
Goley, Jeffrey  
Greenberg, Gary  
Jean, Claudette  
Konys, Christine  
LaRose, Richard  
Lynde, Harold  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Spiess, Paul  
Williams, Carol

**MERRIMACK**

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
MacKay, James  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Maxfield, Roy  
Poulin, David  
Swindlehurst, John

Clarke, Claire  
Feuerstein, Martin  
Gile, Mary  
L'Heureux, Stephen  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

Colcord, J D  
Fraser, Leo Jr  
Greco, Vincent  
Lockwood, Priscilla  
Owen, Derek  
Rush, Deanna  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Bridle, Russell	Carson, Sharon	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Gilbert, Jeffrey	Giordano, Ronald
Griffin, Mary	Henderson, Warren	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Major, Norman	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie
Norelli, Terie	Power, Lucille	Priestley, Anne	Robertson, Carl
Ruffner, Walter	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stone, Joseph	Stritch, C Donald	Weatherspoon, Jacquelyne
Whittier, John	Woekel, Ralph		

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Knowles, William	Lent, Donald	McCarthy, Gerald
Musler, George	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Odell, Bob	Phinizy, James	Robb, Amy

**NAYS 101****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Lawton, David			

**CARROLL**

Dickinson, Howard	Lyman, L Randy	Mock, Henry	Sullivan, P Judith
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**CHESHIRE**

Dexter, Judson	Emerson, Susan	Liebl, George
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**COOS**

Guay, Lawrence	Rozek, Michael
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**GRAFTON**

Alger, John	Barker, Robert	Cobb, John	Gabler, William
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Sova, Charles
Williams, Burton			

**HILLSBOROUGH**

Alukonis, David	Balboni, Michael	Bergeron, Jean-Guy	Bouchard, David
Bragdon, Peter	Bruno, Pierre	Christiansen, Lars	Coughlin, Pamela
Desrosiers, William	Eaton, Richard	Fletcher, Richard	Furman, Christine
Gleneck, David	Golding, William	Gonzalez, Carlos	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	McHugh, Claire
McRae, Karen	Mercer, Robert	Moran, Edward	O'Connell, Timothy
Seibel, Christopher	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	

**MERRIMACK**

Brewster, Richard  
Hutchinson, John  
Soltani, Tony

Cummings, Raymond  
Kennedy, Richard  
Whalley, Michael

Dunne, Christopher  
Langer, Ray

Hess, David  
Leber, William

**ROCKINGHAM**

Bishop, Franklin  
Dodge, Robert  
Gleason, John  
Introne, Robert  
Letourneau, Robert  
Palermo, Diane  
Rausch, James  
Zolla, William

Camm, Kevin  
Fesh, Bob  
Hamel, Albert  
Itse, Daniel  
Moore, Benjamin  
Putnam, Ed II  
Trueman, Raymond

Chalbeck, Kevin  
Francoeur, Sheila  
Hill, Jonathan  
Johnson, Rogers  
Morse, Charles  
Quandt, Marshall  
Varrell, Thomas

Clark, Vivian  
Gilbert, Karl  
Holland, James Jr  
Kelley, William  
Packard, Sherman  
Quandt, Matthew  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Tsiros, William

Bickford, David  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

**SULLIVAN**

Rodeschin, Beverly

and the majority amendment was adopted.

Rep. Gonzalez voted nay and intended to vote yea.

Report adopted and referred to Finance.

**SB 36-FN-A**, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris W. Estabrook for Education: The committee supports the bill's action of increasing the allocation of state dollars to match federal incentive grant dollars for scholarship assistance to our most financially needy higher education students. The amendment clarifies the intent to use a portion of the increased funding for assistance to part-time students. The amendment also provides additional funding for the Granite State Scholars program, which gives scholarship assistance to NH's most academically successful high school students who also demonstrate need and enroll in one of NH's public higher education institutions. State dollars in this program are matched on a more than 1 to 1 basis by private contributions. The committee feels state policy should be to support both the incentive grant and Granite State Scholars programs. Vote 15-5.

**Amendment (1295h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the availability of tuition incentive grants for part-time students and making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation for Postsecondary Education Tuition Incentive Grants. The sum of \$1,721,879, for the fiscal year ending June 30, 2002 and the sum of \$1,721,879, for the fiscal year ending June 30, 2003, are appropriated to the postsecondary education commission for postsecondary tuition incentive grants. These amounts shall be in addition to any other sums appropriated to the commission. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The postsecondary education commission, in conjunction with members of the general court and within the rules of the program, shall notify members of the general court of grant recipients in their district.

2 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2002, and the sum of \$1,000,000 for the fiscal year ending June 30, 2003, are appropriated to the postsecondary education commission to fund the granite state scholars endowment fund established in RSA 188-D:40. These amounts shall be in addition to any other amounts appropriated to the commission. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 New Paragraph; New Hampshire Tuition Incentive Program; Grants to Part-Time Students. Amend RSA 188-D:13 by inserting after paragraph VI the following new paragraph:

VI-a. To the extent possible, the postsecondary education commission shall award grants to eligible part-time students in the same proportion as such students are represented in the eligible applicant pool.

4 Effective Date. This act shall take effect July 1, 2001.

#### AMENDED ANALYSIS

This bill makes an appropriation of \$1,721,879 for the fiscal year ending June 30, 2002, and \$1,721,879 for the fiscal year ending June 30, 2003, to the postsecondary education commission for the purpose of funding postsecondary tuition incentive grants and provides that tuition incentive grants shall be made to part-time students in the same proportion as part-time students are represented in the eligible applicant pool.

Adopted.

Report adopted and referred to Finance.

#### **SB 110-FN-A, extending the kindergarten construction program. OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Alger for Education: This bill, as amended, continues the policy of extra state aid for kindergarten, but phases it out to the standard policy by fiscal year 2007. While the House already, through HB 354, established a position on kindergarten construction finances, it was the committee's opinion that the Senate bill should be moved forward, both to establish a policy portion on kindergarten and for the House, as well, to recognize the work on the subject done in good faith by the Senate. Vote 14-2.

#### **Amendment (1201h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to renewals of licenses of certain electricians.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Renewal of Licenses. Amend RSA 319-C:9 by inserting after paragraph II the following new paragraph:

III. Upon request of a master or journeyman electrician who is or will be performing electrical work in another state, the board shall place the such licensee on inactive status, unless the inactive status conflicts with existing administrative rules concerning interstate reciprocity of licenses. The license may be reactivated within one year of termination of employment in the other state by payment of the renewal fee and with proof of completion of the most current continuing education requirement.

2 Effective Date. This act shall take effect July 1, 2001.

#### AMENDED ANALYSIS

This bill requires the electricians' board to place a licensee in an inactive status if such licensee requests such action and if the licensee will be employed in other states. The licensee may renew the inactive license within one year of termination of employment in the other state by paying the required fee and providing proof of completion of continuing education requirements.

Adopted.

Report adopted and referred to Finance.

#### **SB 164-FN-A-L, establishing a comprehensive statewide accountability system concerning an adequate education. OUGHT TO PASS WITH AMENDMENT**

Rep. Warren C. Henderson for Education: As amended, SB 164 contains a number of effective school accountability measures. The accountability provisions, which closely resemble the "Ward/Hoadley amendment" that passed the House by a large margin last year, improve school report cards, improve the collection of vital information and help communities better monitor improvement in their schools. Another accountability measure in the bill is badly needed reform known as "teacher tenure". Teacher tenure reform has broad public support and has passed the House by large margins in recent years. The bill, also specifically limits the power of the State Board of Education to "take over" a local school, by limiting their authority to that which is specifically identified in law. It is critical that we maintain the balance between state and local authority as we continue to address



school accountability. Lastly, the bill establishes an Education Quality Review Commission to conduct a comprehensive review of the Department of Education. In order to fulfill our responsibilities to help educate our children, we must know for certain, the strengths and weaknesses of the state department charged to address that responsibility. Vote 12-8.

### Amendment (1301h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a comprehensive statewide accountability system concerning an adequate education and relative to the process for nonrenewal of teacher contracts.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; State School Organization; State Board of Education Rulemaking Authority; Rules for Appeals. Amend RSA 186:8 by inserting after paragraph V the following new paragraph:

VI. Appeals from a school board on the matter of nonrenewal of teacher contracts, providing that the appeal to the state board of education shall be limited to the record developed at the school board hearing, except where the state board of education determines that new evidence is available which could not have been reasonably discovered at the time of the school board hearing and that such evidence may have materially affected the outcome of the school board hearing. In such cases, the state board of education shall render a final decision in the matter or remand it to the school board for a new hearing.

2 School Boards, Teachers; Teacher Renewal; Reference Amended. Amend RSA 189:14-a, II to read as follows:

II. Any teacher who has a professional standards certificate from the state board of education and who has taught for 3 consecutive years or more in any school district in the state shall, after having taught for 2 consecutive years in any other school district in the state, be entitled to all of the rights for notification and hearing in ~~paragraph I(b)~~ **paragraphs I(b), III, and IV of this section.**

3 New Paragraphs; School Boards, Teachers; Teacher Renewal; Nonrenomination Procedure. Amend RSA 189:14-a by inserting after paragraph II the following new paragraphs:

III. In cases of nonrenomination because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination.

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence.

4 School Boards, Teachers; Review by State Board of Education. Amend RSA 189:14-b to read as follows:

189:14-b Review by State Board.

I. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~[+5]~~ **30** days after the request for review is filed, and the decision of the state board shall be final and binding upon both parties. *A request for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.*

II. *The state board of education shall uphold a decision of a local school board to nonrenew a teacher's contract unless the local school board's decision is clearly erroneous.*

5 Public Employee Labor Relations; Grievance Procedures; Nonrenewal of Teacher Contract not Subject to Binding Arbitration. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. *No grievance resulting from*

*the failure of a teacher to be renewed pursuant to RSA 189:14-a, shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement.*

6 New Subdivision; School District Improvement and Assessment Program. Amend RSA 193-E by inserting after section 3 the following new subdivision:

School District Improvement and Assessment Program

193-E:4 Definitions. In this subdivision:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "Plan" means the improvement and assessment plan as defined in RSA 193-E:5.
- IV. "State board" means the state board of education.

193-E:5 School District Quality Standards; Improvement and Assessment Plan. In order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, each school district shall implement the following quality standards:

I. By July 1, 2002, each district shall file its current plan with the department. Each school district shall prepare and implement its plan in accordance with a staggered schedule established by the department such that all plans shall be filed no later than June 1, 2008. Each plan shall be developed through a process involving parents, teachers, employers, and other community members. The department shall comment to the district on the plan in a timely fashion. Every 5 years following the filing of the initial plan, each school district shall file an updated plan developed through the process outlined in this paragraph. Districts may reference the statewide education improvement and assessment plan established in RSA 193-C:3, in preparing the plan. At a minimum, the plan shall include:

- (a) Curriculum and proficiency standards for all pupils.
- (b) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.
- (c) Procedures for aligning curriculum, instructional practices, and pupil and programmatic assessments, including annual reporting of results.
- (d) Local assessment measures which focus on individual pupil performance.
- (e) Role of support services and programs.
- (f) Role of instructional leadership.
- (g) Strategies to promote family and community involvement.
- (h) Staff supervision and evaluation and performance-based professional development.
- (i) Procedures for ongoing review and evaluation of the plan.
- (j) Pupil behavior and conduct codes.
- (k) Procedures detailing how the school district budget reflects the goals of the plan.
- (l) Provisions for addressing individual school needs.

II. By September 1, 2003, and annually thereafter, each school district shall report to the department its data for the previous school year on its school and district performance and demographic indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board.

(a) Performance and demographic indicators shall include the following areas:

- (1) Attendance, tardiness, truancy, transfer, and drop-out rates.
- (2) Length of school day and length of instructional time.
- (3) School environment indicators, such as safe-schools data.
- (4) Proportion of graduating pupils going on to post-secondary education, military service, and the workplace.
- (5) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.
- (6) Extent to which pupils meet behavior conduct codes.
- (7) Extent to which teachers are certified in all areas in which they teach.
- (8) Extent to which teachers and staff engage in performance-based professional development to promote pupil learning.
- (9) Frequency and resulting actions of staff supervision and evaluations.
- (10) Extent to which district schools implement components of effective family/

community involvement standards including communicating, parenting, pupil learning, volunteering, school decision-making and advocacy, and collaborating with the community.

(11) Frequency and resulting actions of supervision and evaluations of instructional and administrative leaders.

(12) Teacher and administrator turnover rates reported by area of certification and by elementary, middle, junior high, and high school levels.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

III. Each elementary, middle, junior high, and high school in the school district shall meet the standards for school approval adopted by the state board.

IV. Beginning December 1, 2004, and annually thereafter, the commissioner, in accordance with rules adopted by the state board pursuant to RSA 541-A, shall determine whether each school district is meeting the quality standards established in paragraphs I–III of this section. The commissioner, annually, shall provide a report of such determinations to the governor and council, the speaker of the house, the senate president, the chairpersons of the house and senate education committees, the state board, and the attorney general.

V. No later than December 1, 2003, and annually thereafter, the department shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. The report shall include demographic and pupil performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, and data provided under paragraph II of this section, as well as other relevant statistics including English as a second language pupils, special education pupils, and pupils eligible for free or reduced-price meals. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts, and a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

VI. Within 90 days of the issuance of the annual report on the condition of education as required in paragraph II of this section, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. If requested by a school district, a representative from the department of education or the state board of education shall make every reasonable effort to be in attendance at the public meeting to present the report to the public. Additionally, the department of education shall determine a priority list for districts that may have significant areas of concern based on the annual report on the condition of education and shall exercise every reasonable effort to attend the public meetings in those identified school districts within the 90 days on a priority basis. At least 7 days advance public notice shall be given. A written report of the public input and recommendations made at this meeting shall be made and retained by the school district governing body for future use. Within 60 days of the meeting, each school board shall issue a written response to the annual report at a regularly noticed and scheduled meeting and make any recommendations the board deems appropriate.

VII. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board and the governor.

#### 193-E:6 Request for Assistance.

I. A school district, in response to the annual report on the condition of education, may request from the department school improvement assistance on behalf of the district as a whole or on behalf of one or more schools in the district. Within 30 days of such request, the commissioner may, based on the availability of resources, provide appropriate assistance to the district. The commissioner shall prioritize any assistance based on the determinations made in the annual report on the condition of education. The commissioner shall work with local school board and school district officials in determining the assistance specific to the district's needs.

II. If any assistance provided by the department of education includes the use of a technical assistance advisor, the commissioner shall appoint a technical assistance advisor.

III. The powers of the department and the state board relative to requests for assistance under this section shall be limited to the provisions of this section.



193-E:7 Request for Assistance by School District Legislative Body. If a school district has not submitted a request for assistance by the time of the annual school district meeting in a town, or by April 30 in a city, then the majority of the appropriate legislative body of the school district may vote to direct the governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with RSA 193-E:6.

193-E:8 Additional School Improvement Funds. The department and the local school districts shall collaborate in an initiative to apply for grant money from any source that may be available to address school improvement issues. This collaborative effort should target funds which will be used to remedy specific areas at the local school district level identified as in need of improvement in the annual report on the condition of education.

193-E:9 Rulemaking. The state board shall, pursuant to RSA 541-A:

I. No later than July 1, 2002, adopt rules relative to data keeping, the form of the school district report required under RSA 193-E:5, II, the annual report on the condition of education statewide required under RSA 193-E:5, V, and the scheduling of the local public meetings for the presentation of the annual reports under RSA 193-E:5, VI. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

II. No later than July 1, 2003, adopt rules relative to the criteria and procedures for determining compliance with quality standards. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, as well as business people, government officials, legislators and legislative committees, parents, and members of the public.

7 New Paragraph; Statewide Improvement and Assessment Plan; Review Required. Amend RSA 193-C by inserting after paragraph IV the following new paragraph:

V. By June 30, 2002, and every 5 years thereafter, the state board shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department will help schools and school districts improve pupil achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

8 Statewide Improvement and Assessment Program; Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee; Report. *The oversight committee shall:*

~~I. [The oversight committee shall review]~~ **Review** the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

**II. Review all of the provisions of RSA 193-C and 193-E, relative to an adequate public education and school district accountability, and file a report of such review to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees every 2 years.**

**III. Prepare any legislation that is needed as a result of the review of the progress and results of the policies implemented under RSA 193-E by the legislature during the 2004 legislative session.**

9 New Paragraph; State Board of Education; Duties of the State Board; Review of School Approval Standards Inserted. Amend RSA 186:11 by inserting after paragraph XXXV the following new paragraph:

XXXVI. REVIEW OF SCHOOL APPROVAL STANDARDS. No later than June 30, 2003, and every 5 years thereafter, the state board of education shall review and update as necessary school approval standards based on input from parents, employers, educators, and other citizens. No later than 60 days from the date of each review, the state board of education shall submit a report of its findings, including recommendations for proposed legislation, to the chairpersons of the house and senate education committees. At the discretion of the committee chairpersons, a public hearing on the report may be scheduled.

10 Education Quality Assurance Commission Established; Purpose. An education quality assurance commission is hereby established for the purpose of undertaking a thorough examination, analysis, and evaluation of the capacity of the department of education to provide necessary support



for the improvement of school performance. The department of education shall promptly and fully comply with the commission's requests for information and documentation, as permitted by law.

#### 11 Membership and Compensation.

I. The members of the commission shall be as follows:

- (a) Five members of the house of representatives, appointed by the speaker of the house.
- (b) Five members of the senate, appointed by the president of the senate.

II. The commission may consult with any individual or organization with expertise or information relevant to its objectives.

III. Members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission may apply for, accept, and expend any funds received from state, federal, or private grant programs.

#### 12 Duties. The duties of the commission shall be as follows:

I. Identify operational principles which should guide the work of the department of education in supporting improved school performance and accountability.

II. Analyze existing department of education programs and initiatives which support improved school performance and accountability and determine the necessity of enhancing such programs and services, if deemed necessary.

13 Report. The commission shall issue a preliminary report on its activities by December 31, 2001 and a final report of its findings, including recommendations for changes in staffing, organization, and funding necessary for the department of education to provide necessary support to local school districts and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the chairpersons of the house and senate education committees, and the governor, on or before February 28, 2002.

#### 14 Effective Date. This act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill:

I. Implements a local school district assessment program to identify local school districts which are in need of assistance and to assist in improving the overall quality of educational programs and services offered by such districts.

II. Establishes a 4-year pupil achievement assessment pilot program in 10 selected school districts in the state.

III. Establishes an education quality assessment commission composed to analyze and evaluate the capacity of the department of education to provide the necessary support and services for the local school district assessment program.

IV. Clarifies the process for conducting hearings before local school boards on the issue of nonrenewal of teacher contracts, and for the appeal of such nonrenewal decisions to the state board of education.

Rep. Bowles inquired if the question was divisible. The Speaker ruled the question divisible.

Rep. Bowles moved that Sections 1 through 5 be divided from the amendment and considered separately.

Without objection, the Speaker so ordered.

The question being the adoption of Sections 1 through 5 of the amendment.

Reps. Brennan and Proulx spoke against.

Reps. Ward, Thomas and Herman spoke in favor.

Rep. Henderson spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the adoption of Sections 1 through 5 of the amendment.

### YEAS 226 NAYS 118

#### YEAS 226

#### BELKNAP

Bartlett, Gordon  
Flanders, Donald  
Pilliod, James  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Rice, Thomas Jr  
Wood, Jane

Czech, Stanley  
Lawton, David  
Rosen, Ralph

Dewhirst, Glenn  
Nedeau, Stephen  
Russell, David

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Roberts, William

Dexter, Judson  
Hunt, John  
Royce, H Charles

Edwards, Dana  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Manning, Joseph

**COOS**

Davis, Perley  
Landers, Dana

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Scanlan, David  
Ward, Brien

Barker, Robert  
Gilman, G Michael  
Solow, Martha  
Williams, Burton

Cobb, John  
Giuda, Robert  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouchard, David  
Calawa, Leon Jr  
Christiansen, Lars  
Desrosiers, William  
Dyer, Merton  
Fields, Dennis  
Furman, Christine  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
Martin, Mary Ellen  
Mercer, Robert  
Pappas, Marc  
Rowe, Robert  
Tahir, Saghir  
Wheeler, Robert

Alukonis, David  
Balcom, John  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dionne, Kimberley  
Eaton, Richard  
Fletcher, Richard  
Gargasz, Carolyn  
Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
LaRose, Richard  
McHugh, Claire  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Tate, Joan  
White, Donald

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Cote, Peter  
Dokmo, Cynthia  
Elliott, Larry  
Flora, Kathleen  
Ginsburg, Ruth  
Goulet, Maurice  
Hall, Charles  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
Moran, Edward  
Peterson, Andrew  
Seibel, Christopher  
Thulander, O Alan

Artz, Lawrence  
Bergeron, Jean-Guy  
Bruno, Pierre  
Christensen, D L Chris  
Coughlin, Pamela  
Drisko, Richard  
Emerton, Lawrence Sr  
Ford, Nancy  
Gleneck, David  
Graham, John  
Herman, Keith  
L'Heureux, Robert  
Lefebvre, Roland  
Melcher, Harold  
O'Connell, Timothy  
Reeves, Sandra  
Sweeney, Cynthia  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Hess, David  
Langer, Ray  
Maxfield, Roy

Brewster, Richard  
Feuerstein, Martin  
Hutchinson, John  
Leber, William  
Poulin, David

Colcord, J D  
Fraser, Leo Jr  
Jacobson, Alf  
Lockwood, Priscilla  
Swindlehurst, John

Cummings, Raymond  
Hager, Elizabeth  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel

Belanger, Ronald  
Case, Margaret  
Corbin, Corey  
Dodge, Robert  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert

Bishop, Franklin  
Chalbeck, Kevin  
Cox, Russell  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers

Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George

Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Power, Lucille  
Ruffner, Walter  
Stritch, C Donald  
Woekel, Ralph

Kelley, William  
Major, Norman  
Morse, Charles  
Priestley, Anne  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Sloan, Stephen  
Weyler, Kenneth

Langley, Jane  
Micklon, Stephanie  
Palermo, Diane  
Rausch, James  
Stone, Joseph  
Whittier, John

## STRAFFORD

Albert, Russell  
Harrington, Michael  
Spang, Judith

Bickford, David  
McCarthy, Gerald  
Tsiros, William

Cossette, Larry  
Musler, George  
Twombly, James

Dunlap, Patricia  
Rollo, Michael  
Woods, Phyllis

## SULLIVAN

Franklin, Peter

Jones, Constance

Odell, Bob

Rodeschin, Beverly

## NAYS 118

## BELKNAP

None

## CARROLL

None

## CHESHIRE

Allen, Peter  
McGuirk, Paul  
Richardson, Barbara

Batchelder, Robert  
Meader, David  
Weed, Charles

Burnham, Daniel  
Mitchell, McKim  
Zerba, Roger

Espiefs, Peter  
Pratt, John

## COOS

Bradley, Paula

Mears, Edgar

## GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon

Ham, Bonnie  
Pawlek, Marion

## HILLSBOROUGH

Andosca, Mary  
Clayton, William  
Dwyer, Paul  
Haley, Robert  
Kacavas, John  
Lynde, Harold  
Panagopoulos, Nicholas  
Spiess, Paul

Baroody, Benjamin  
Cote, David  
Foster, Linda  
Hopper, Gary  
Keye, Harvey  
McDonough-Wallace, Alice  
Schulze, Joan  
White, John

Bellavance, Paul  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Jean, Claudette  
Konys, Christine  
Movsesian, Lori  
Shaw, Barbara  
Williams, Carol

Buckley, Raymond  
Duval, Jeffrey  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Palangas, Eric  
Souza, Kathleen

## MERRIMACK

Bouchard, Candace  
Fraser, Marilyn  
L'Heureux, Stephen  
Rodd, Beth  
Whittemore, James

Clarke, Claire  
French, Barbara  
Moore, Carol  
Rush, Deanna  
Yeaton, Charles

Daneault, Gabriel  
Gile, Mary  
Owen, Derek  
Seldin, Gloria

Davis, Frank  
Greco, Vincent  
Potter, Frances  
Wallner, Mary Jane

## ROCKINGHAM

Blanchard, MaryAnn  
Coes, Betsy  
McGuire, Robert  
Robertson, Carl  
Weatherspoon, Jacquelyne

Bowles, Raimond  
DiFruscia, Anthony  
Norelli, Terie  
Shultis, Elizabeth

Bridle, Russell  
Downing, Michael  
Quandt, Marshall  
Splaine, James

Clark, Martha Fuller  
Kane, Cecelia  
Quandt, Matthew  
Trueman, Raymond

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Knowles, William	Lent, Donald	Pelletier, Arthur	Proulx, Raymond
Smith, Marjorie	Snyder, Clair	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Harris, Joseph	Harris, Sandra	Leone, Richard	Phinizy, James
Robb, Amy			

and Sections 1 through 5 of the amendment were adopted.

The question now being adoption of the remainder of the amendment.

Rep. Arthur Pelletier spoke against

Rep. Yeaton spoke against and yielded to questions.

Reps Ward and Henderson spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the remainder of the amendment.

**YEAS 224 NAYS 119****YEAS 224****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Manning, Joseph
Roberts, William	Royce, H Charles	Smith, Edwin	

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Rozek, Michael	Stohl, Eric	

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Marshall, Gene	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Furman, Christine



Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Kurk, Neal  
Leach, Edward  
Melcher, Harold  
Pappas, Marc  
Rowe, Robert  
Spiess, Paul  
Thulander, O Alan

Gleneck, David  
Graham, John  
Herman, Keith  
L'Heureux, Robert  
Lefebvre, Roland  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
Sweeney, Cynthia  
Vaillancourt, Steve

Golding, William  
Greenberg, Gary  
Holden, Randolph  
LaFlamme, Paul  
McHugh, Claire  
Milligan, Robert  
Peterson, Andrew  
Seibel, Christopher  
Tahir, Saghir  
Wheeler, Robert

Gonzalez, Carlos  
Guinta, Frank  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Moran, Edward  
Reeves, Sandra  
Souza, Kathleen  
Tate, Joan  
White, Donald

## MERRIMACK

Anderson, Eric  
Dunne, Christopher  
Hess, David  
L'Heureux, Stephen  
MacKay, James

Brewster, Richard  
Feuerstein, Martin  
Hutchinson, John  
Langer, Ray  
Poulin, David

Colcord, J D  
Fraser, Leo Jr  
Jacobson, Alf  
Leber, William  
Swindlehurst, John

Cummings, Raymond  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Whalley, Michael

## ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kelley, William  
Major, Norman  
Packard, Sherman  
Putnam, Ed II  
Stone, Joseph  
Whittier, John

Belanger, Ronald  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
McKinney, Betsy  
Palermo, Diane  
Rausch, James  
Stritch, C Donald  
Woekel, Ralph

Bishop, Franklin  
Case, Margaret  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
Micklon, Stephanie  
Power, Lucille  
Ruffner, Walter  
Varrell, Thomas  
Zolla, William

Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Sapareto, Frank  
Weyler, Kenneth

## STRAFFORD

Albert, Russell  
Harrington, Michael  
Twombly, James

Bickford, David  
Musler, George  
Woods, Phyllis

Cossette, Larry  
Spang, Judith

Dunlap, Patricia  
Tsiros, William

## SULLIVAN

Franklin, Peter  
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

## NAYS 119

## BELKNAP

Wood, Jane

## CARROLL

None

## CHESHIRE

Allen, Peter  
McGuirk, Paul  
Richardson, Barbara

Batchelder, Robert  
Meador, David  
Weed, Charles

Burnham, Daniel  
Mitchell, McKim  
Zerba, Roger

Espiefs, Peter  
Pratt, John

## COOS

Bradley, Paula

Mears, Edgar

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha			

**HILLSBOROUGH**

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Drabinowicz, A Theresa
Duval, Jeffrey	Dwyer, Paul	Eaton, Richard	Foster, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hopper, Gary	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Lasky, Bette	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Clarke, Claire	Daneault, Gabriel	Davis, Frank
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Moore, Carol	Owen, Derek	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Kane, Cecelia	McGuire, Robert	Norelli, Terie	Quandt, Marshall
Quandt, Matthew	Robertson, Carl	Sultis, Elizabeth	Sloan, Stephen
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Knowles, William	Lent, Donald	McCarthy, Gerald	Pelletier, Arthur
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Burling, Peter	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Harris, Joseph	Harris, Sandra	Phinizy, James	Robb, Amy

and the remainder of the amendment was adopted.

Report adopted and ordered to third reading.

### **HB 666, permitting the placement of political advertising on highway rights-of-way. INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Election Law: The committee recommitted this bill in order to look at a new amendment, which the sponsor felt would help clarify the bill. After review of the amendment, the committee still voted the bill inexpedient. If this bill passed, it would violate several federal statutes and regulations that may cause the state to lose federal funding. Size and visual clutter would also be problematic. The committee felt this bill would cause more problems than it would solve. Vote 11-2.

Rep. Leber spoke against.

Adopted.

### **SB 182-FN-A, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund. OUGHT TO PASS**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill addresses a growing problem. With the great advances in trauma treatment, many people who would not have

survived an accident now live on with severe disabilities. The fund established by this bill will be used to educate and assist families in obtaining support, advocacy, vocational help, etc., and to fund prevention efforts. The money will come from the excess incomes of the victim's assistance fund and from certain forfeited bail money, both of which now go into the General Fund. Vote 16-0.

Adopted.

Referred to Finance.

**SB 69-FN-A-L**, relative to a New Hampshire legal assistance office in Nashua and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill establishes a New Hampshire Legal Assistance office in Nashua to service that city and its surrounding areas. New Hampshire Legal Assistance provides legal services to low income people such as housing, social security, and other government benefits, health care, domestic violence and consumer issues. It does not provide representation for criminal actions. This is a means to get basic legal services to those who need them most yet are least able to pay for them. Vote 17-2.

#### Amendment (1306h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a New Hampshire Legal Assistance office in Nashua.

Amend section 1 of the bill by replacing it with the following:

1 New Hampshire Legal Assistance Office. The legislature hereby establishes a New Hampshire Legal Assistance office in the city of Nashua to provide civil legal services to low income persons in that city and the surrounding area. These civil legal services include services related to such issues as housing, social security and other government benefits, health care, domestic violence, and consumer issues.

#### AMENDED ANALYSIS

This bill establishes a New Hampshire Legal Assistance office in the city of Nashua to provide civil legal services to low-income persons in Nashua and the surrounding area.

Adopted.

On a division vote, 212 members having voted in the affirmative and 116 in the negative, the report was adopted.

Ordered to third reading.

**SB 144-L**, increasing bail commissioners' fees. **OUGHT TO PASS**

Rep. Peter S. Espiefs for Judiciary: This bill increases the fees of bail commissioners from \$20 to \$30. The fee is paid by the defendant at the time of bail proceedings before the commissioner in a criminal or civil matter. Bail commissioners are on duty 24 hours a day and must appear to set bail whenever their services are required by a district or superior court case. In addition to setting appropriate bail, the commissioner sets out the conditions of bail in writing, schedules an arraignment date, and completes all paperwork and further process required. New Hampshire bail commissioners' fees are the lowest in New England. Commissioners are not salaried employees and receive no state benefits or pensions. The committee felt that the increase was reasonable in view of the scope and demands of their responsibilities. Vote 10-2.

Adopted and ordered to third reading.

**SB 133-FN-A**, relative to Skyhaven airport and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: The amended version of this bill provides for funding maintenance and operations at Skyhaven airport and additionally prioritized funding for wetland mitigation at the airport. The appropriation is contingent upon a signed agreement for the transfer of Skyhaven airport to a local public entity. It is the feeling of the committee that the city of Rochester has a definite interest in owning the facility. The committee also realized that the city doesn't want to be burdened with making repairs soon after it takes over the facility. Under this proposal, needed repairs would be completed by the state as soon as the future of the airport was determined. The amendment also ties this legislation into prior action of the legislature, Chapter 56, Laws of 2000. Vote 18-0.

**Amendment (1276h)**

Amend the bill by replacing all after section 2 with the following:

3 Contingency. Sections 1 and 2 of this act shall take effect upon the effective date of a signed agreement for the transfer of Skyhaven airport to a local public entity, pursuant to 1998, 317:1, I as amended by 2000, 56:1; provided that such agreement is signed before July 1, 2003. If such agreement is not signed before July 1, 2003, sections 1 and 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill requires the department of transportation to prioritize funding the wetland mitigation project for Skyhaven airport. The bill also appropriates funds to the Skyhaven airport maintenance and operations fund.

The provisions of this bill take effect only if an agreement for the transfer of Skyhaven airport to a local public entity is signed before July 1, 2003.

Adopted.

Report adopted and referred to Finance.

**SCR 2**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Cynthia P. Sweeney for State-Federal Relations and Veterans Affairs: The committee continues to support a strong message to Congress and the Federal Government that the Congress fulfill its obligation to fund at 40% the Special Education costs incurred by local school districts as a result of I.D.E.A. (Individuals with Disabilities Act). Vote 14-0.

**Amendment (1242h)**

Amend the resolution by replacing all after the title with the following:

Whereas, when the federal government enacted the Individuals with Disabilities Education Act (IDEA), in 1975 it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 14 percent of the actual cost of special education services; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas the IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the New Hampshire general court urges the President and the Congress to fund, not later than October 1, 2002 and prior to spending any surplus in the federal budget, 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the Individuals with Disabilities Education Act to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

Adopted.

Reps. Avery and Nordgren spoke in favor.

Rep. Matthew Quandt requested a roll call, sufficiently seconded.

The question being adoption of the committee report.



**YEAS 333****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Pilliod, James  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Rice, Thomas Jr  
Wood, Jane

Czech, Stanley  
Lawton, David  
Rosen, Ralph

Dewhirst, Glenn  
Nedeau, Stephen  
Russell, David

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Quimby, Lee

Bradley, Jeb  
Mock, Henry  
Stevens, Stanley

Dickinson, Howard  
Patten, Betsey  
Sullivan, P Judith

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Allen, Peter  
Dexter, Judson  
Fairbanks, Chandler  
McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

Avery, Stephen  
Edwards, Dana  
Hunt, John  
Meader, David  
Roberts, William  
Zerba, Roger

Batchelder, Robert  
Emerson, Susan  
Liebl, George  
Mitchell, McKim  
Royce, H Charles

Burnham, Daniel  
Espieffs, Peter  
Manning, Joseph  
Pratt, John  
Smith, Edwin

**COOS**

Bradley, Paula  
Horton, Lynn  
Stohl, Eric

Davis, Perley  
Landers, Dana

Gallus, John  
Mears, Edgar

Guay, Lawrence  
Rozek, Michael

**GRAFTON**

Akins, Ralph  
Benn, Bernard  
Gabler, William  
Marshall, Gene  
Scanlan, David  
Sova, Charles

Alger, John  
Cobb, John  
Gilman, G Michael  
Naro, Debra  
Scovner, Nancy  
Ward, Brien

Almy, Susan  
Cooney, Mary  
Giuda, Robert  
Nordgren, Sharon  
Sokol, Hilda  
Williams, Burton

Barker, Robert  
Dudley, Terri  
Lovett, Sid  
Pawlek, Marion  
Solow, Martha

**HILLSBOROUGH**

Allan, Nelson  
Artz, Lawrence  
Batula, Peter  
Bragdon, Peter  
Calawa, Leon Jr  
Christiansen, Lars  
Cote, David  
Dionne, Kimberley  
Duval, Jeffrey  
Elliott, Larry  
Ford, Nancy  
Golding, William  
Goulet, Maurice  
Haley, Robert  
Hopper, Gary  
Kacavas, John  
L'Heureux, Robert  
Leach, Edward  
McDonough-Wallace, Alice  
Mercer, Robert  
O'Connell, Timothy  
Peterson, Andrew

Alukonis, David  
Balboni, Michael  
Bellavance, Paul  
Brundige, Robert  
Carlson, Donald  
Clayton, William  
Cote, Peter  
Dokmo, Cynthia  
Dwyer, Paul  
Emerton, Lawrence Sr  
Foster, Linda  
Goley, Jeffrey  
Graham, John  
Hall, Charles  
Jean, Claudette  
Keye, Harvey  
LaFlamme, Paul  
Lefebvre, Roland  
McHugh, Claire  
Milligan, Robert  
Palangas, Eric  
Reeves, Sandra

Andosca, Mary  
Balcom, John  
Bergeron, Jean-Guy  
Bruno, Pierre  
Chabot, Robert  
Clegg, Robert Jr  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Dyer, Merton  
Fields, Dennis  
Ginsburg, Ruth  
Gonzalez, Carlos  
Greenberg, Gary  
Herman, Keith  
Jean, Loren  
Konys, Christine  
LaRose, Richard  
Lynde, Harold  
McRae, Karen  
Moran, Edward  
Panagopoulos, Nicholas  
Rowe, Robert

Arnold, Thomas Jr  
Baroody, Benjamin  
Bouchard, David  
Buckley, Raymond  
Christensen, D L Chris  
Clemons, Jane  
Desrosiers, William  
Drisko, Richard  
Eaton, Richard  
Fletcher, Richard  
Gleneck, David  
Gorman, Mary  
Guinta, Frank  
Holden, Randolph  
Johnson, Lionel  
Kurk, Neal  
Lasky, Bette  
Martin, Mary Ellen  
Melcher, Harold  
Movsesian, Lori  
Pepino, Leo  
Sargent, Maxwell

Schulze, Joan  
Spiess, Paul  
Thulander, O Alan  
White, John

Seibel, Christopher  
Sweeney, Cynthia  
Vaillancourt, Steve  
Williams, Carol

Shaw, Barbara  
Tahir, Saghir  
Wheeler, Robert

Souza, Kathleen  
Tate, Joan  
White, Donald

### MERRIMACK

Anderson, Eric  
Colcord, J D  
Dunne, Christopher  
French, Barbara  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Poulin, David  
Swindlehurst, John  
Yeaton, Charles

Bouchard, Candace  
Cummings, Raymond  
Feuerstein, Martin  
Gile, Mary  
Hutchinson, John  
Langer, Ray  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

Brewster, Richard  
Daneault, Gabriel  
Fraser, Leo Jr  
Greco, Vincent  
Jacobson, Alf  
Leber, William  
Owen, Derek  
Rush, Deanna  
Whalley, Michael

Clarke, Claire  
Davis, Frank  
Fraser, Marilyn  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria  
Whittemore, James

### ROCKINGHAM

Arndt, Janet  
Bowles, Raimond  
Case, Margaret  
Coes, Betsy  
Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Katsakiores, Phyllis  
Letourneau, Robert  
Micklon, Stephanie  
Palermo, Diane  
Quandt, Marshall  
Sapareto, Frank  
Stone, Joseph  
Weatherspoon, Jacquelyne  
Zolla, William

Belanger, Ronald  
Bridle, Russell  
Chalbeck, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
Major, Norman  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Shultis, Elizabeth  
Stritch, C Donald  
Weyler, Kenneth

Bishop, Franklin  
Camm, Kevin  
Clark, Martha Fuller  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Kane, Cecelia  
Kobel, Rudolph  
McGuire, Robert  
Norelli, Terie  
Priestley, Anne  
Robertson, Carl  
Sloan, Stephen  
Trueman, Raymond  
Whittier, John

Blanchard, MaryAnn  
Carson, Sharon  
Clark, Vivian  
Cox, Russell  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Splaine, James  
Varrell, Thomas  
Woekel, Ralph

### STRAFFORD

Albert, Russell  
Callaghan, Frank  
Estabrook, Iris  
Heon, Richard  
Lent, Donald  
Proulx, Raymond  
Tsiros, William  
Woods, Phyllis

Berube, Roger  
Cossette, Larry  
Ferland, Paul  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Twombly, James

Bickford, David  
DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Musler, George  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Harrington, Michael  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

### SULLIVAN

Burling, Peter  
Franklin, Peter  
Leone, Richard  
Rodeschin, Beverly

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizz, James

Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

and the report was unanimously adopted.  
Ordered to third reading

**HB 712-FN**, relative to the coordination of state, regional, and local planning efforts. **OUGHT TO PASS WITH AMENDMENT**

Rep. William Johnson for Municipal and County Government: Economic growth in our state impacts all levels of society and government. It is therefore extremely important to plan land use through a coordinated process. This bill requires the Office of State Planning and the Regional Planning Commissions to develop a comprehensive development plan, comprised of the basic principles of smart growth, which are listed in the amendment. This bill also requires the Office of State Planning and the Regional Planning Commissions to provide assistance to municipalities through data collection and planning guidance. Any financial requirement, "to the extent practical", pertains only to the Office of State Planning and the Regional Planning Commissions who testified in its favor. Local planning boards can use the assistance in developing or amending their master plans at their discretion. Vote 9-4.

### Amendment (1235h)

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Findings and Intent.

I. The general court finds that promoting smart growth is critical to the future well-being of the state. Since growth is often incremental and has local, regional and statewide impacts, the office of state planning and the regional planning commissions must take the lead by developing goals for their work consistent with the principles of smart growth, gathering specific data and offering guidance for the communities to use when they are developing or amending their master plans.

II. The purpose of this act is to establish a more coordinated process to create statewide and regional land use plans that promote smart growth, based upon local plans and citizen participation, and requiring the state to provide smart growth direction to regional planning goals.

2 New Subparagraph; Office of State Planning; State Development Plan; Duty Added. Amend RSA 4-C:2, I by inserting after subparagraph (c) the following new subparagraph:

(d) Coordinate and monitor the planning efforts of the regional planning commissions to ensure that the plans published by the commissions are consistent, to the extent practical, with the policies and priorities established in the state development plan.

3 State Development Plan; Consultation with Local and Regional Planning Commissions Required. Amend RSA 4-C:2, II to read as follows:

II. In preparing the state development plan, the office of state planning shall consult with the chief executive officers of the various departments and agencies of state government [~~with responsibilities which are relevant to economic development~~]. The office [~~may~~] *shall* also consult with officials of regional planning commissions and regional and local planning and development agencies [~~and representatives of business and industry~~], *local officials, representatives of the business and environmental community, and the general public.*

4 State Development Plan; Comprehensive Development Plan Components. Amend RSA 9-A:1 to read as follows:

#### 9-A:1 Comprehensive Plan.

I. There shall be a comprehensive state development plan which establishes state policy on development related issues and proposes new or expanded programs to implement such policies. *The plan shall provide a basis for identifying critical issues facing the state, determining state priorities, allocating limited state resources, and taking into account the plans of various state, regional, and local governmental units.*

II. The comprehensive development plan shall establish policies in areas related to the orderly *physical, social, and economic* growth and development of the state.

III. The comprehensive development plan shall include:

(a) [~~An analysis of the state's economic condition and needs;~~

(b)] State policies to provide for the orderly [~~economic~~] *growth and* development of the state[;] *and to maximize smart growth.*

(c) [~~A statement of specific goals and objectives for state economic development programs[; and];~~

(d) [~~Policies to protect and preserve farmland and open space land and to maximize smart growth.]~~

(b) *Goals and policies which are relevant to the topical areas included in the plan, including but not limited to:*

(I) *An overall vision section that serves as the direction for the other sections of the plan. This section shall contain a set of statements which articulates the desires of the public relative to the future. It shall contain a set of guiding principles and priorities to implement that vision, with special emphasis on maximizing the smart growth principles in RSA 9-B.*

(2) *A land use section which examines the state's role in land development and in funding projects and programs which affect land uses.*

(3) *A transportation section which considers all pertinent modes of transportation and provides a framework of policies and actions which will provide for a safe and adequate transportation system to serve the needs of the state.*

(4) *A public facilities section which examines the projected needs of state institutions and coordinates with other governmental units, whether federal, county, local, special districts, or school districts, as to their needs as well.*

(5) *A housing section which sets forth approaches to meeting the need for affordable housing.*

(6) *An economic development section which proposes actions and policies to suit the state's economic goals and needs, based on the current and projected economic strengths and weaknesses.*

(7) *A natural resources section which identifies trends in land protection, open space, farm land preservation and protection, and proposes policies and actions necessary at the state level to protect those resources which are perceived to be of statewide significance.*

(8) *A natural hazards section which identifies actions to improve the ability of the state to minimize damages from future disasters that affect land and property subject to such disasters.*

(9) *A recreation section which assesses current and future recreation needs within the foreseeable future and identifies policies and a plan of action to support them at the state level.*

(10) *A utility and public service section which details state level policies and actions necessary to assure adequate service to the citizens of the state.*

(11) *A regional concerns section which describes specific areas of the state with potentially unique concerns and identifies policies and actions which may reasonably be undertaken to assist in addressing those issues.*

(12) *A section which identifies state policies and actions necessary to protect cultural and historic resources of statewide significance and assist in their rehabilitation or preservation, and generally assure their availability for future generations of state citizens.*

(13) *An implementation section, which is a long range action program for assessing the effectiveness of each section of the plan.*

IV. The comprehensive development plan shall serve as the basis for policy and program development by the various departments of state government *and the regional planning commissions. Consistent with RSA 674:2, these topics may also be addressed in local master plans. To the extent practical,* state agencies and regional planning commissions shall develop, [program] *and local planning boards may develop,* plans which are consistent with the policies and priorities established in the comprehensive development plan.

*V. The comprehensive development plan shall be renewed or revised every 4 years, beginning on October 1, 2003.*

5 New Paragraph; State Development Plan; Office of State Planning; Duty Added. Amend RSA 9-A:4 by inserting after paragraph III the following new paragraph:

IV. Coordinate and monitor the planning efforts of the regional planning commissions to ensure that the plans published by the commissions are consistent with the policies and priorities established in the state development plan, and vice versa.

6 State Economic Growth, Resource Protection, and Planning Policy; Report to the General Court and the Governor. Amend the introductory paragraph of RSA 9-B:6 to read as follows:

By October 1 of [each year, beginning in the year 2000:] *2001, and every 4 years thereafter,* the council on resources and development, established in RSA 162-C, shall report to the general court and the governor on the following:

7 New Paragraph; State Economic Growth, Resource Protection, and Planning Policy; Content of Annual Report. Amend RSA 9-B:6 by inserting after paragraph IV the following new paragraph:

V. An assessment on how state agencies are complying with the goals and objectives established in the statewide development plan, under RSA 9-A, and an identification of any suggested changes.

8 New Paragraphs; General Powers and Duties of the Regional Planning Commission. Amend RSA 36:47 by inserting after paragraph II the following new paragraphs:

III. Regional planning commission members shall develop a regional development plan that provides regional smart growth goals for all applicable sections of the state comprehensive plan, as outlined in RSA 9-a, and which embodies, as far as possible, all local and regional conditions.



Such plan shall be updated every 5 years or sooner if desired by the regional planning commission. Prior to its adoption, the plan shall be distributed to every library, planning board and board of selectmen/aldermen/city council in each of the communities within the region, and to the office of state planning. The regional planning commission shall address in writing all comments received prior to the publication of a final draft. A public hearing shall be held by the regional planning commission with 30 days' notice published in all newspapers of general circulation in the region, and shall state where the document can be viewed, the time and place of the public hearing, and shall allow for written comments. For each regional plan, the office of state planning shall offer comments as to its consistency with the state plan. The first regional development plans affected by this statute shall be adopted within 5 years of the effective date of this paragraph and renewed at least every 5 years thereafter.

IV. Regional planning commissions shall make a good faith effort to inform and respond to their local communities regarding the purposes and progress of their work in developing the regional development plan.

9 Local Land Use Boards; Master Plan Preparation. Amend RSA 674:3, III to read as follows:

III. During the preparation of the various sections of the master plan, the board shall inform the general public *and the office of state planning and regional planning commissions* and solicit public comments regarding the future growth of the municipality in order to involve citizens in the preparation of the master plan in a way which is most appropriate for the municipality.

10 Effective Date. This act shall take effect July 1, 2001.

Adopted.

Report adopted and ordered to third reading.

**SB 193-FN-A-L**, relative to changes in the property tax system and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marilyn A. Fraser for Municipal and County Government: The basic bill as amended by the Senate establishes two boards – an assessing standards board and an equalization standards board – both administratively attached to the department of revenue administration (DRA). The duties of the assessing standards board are to adopt rules and recommend any legislation for: the annual publication of an assessing manual; the standards for the administration of the property tax and assessment of real property; the establishment of certification requirements for assessing officials; the establishment of standards for assessment practices, tax maps and other records and audit standards for the department of revenue administration; the identification of “sales-chasing” and penalties related to those practices; the process needed for public comment; and any study needed to determine the status of assessing practices or the improvement of assessing in New Hampshire. The duties of the equalization standards board are to include: reviewing ratio studies relative to the equalization process and the procedures needed to improve the ratio studies; developing standards for equalization; reviewing standards of the International Association of Assessing Officials (IAAO); and determining the ratio study procedure. These two boards are required to have at least three public forums throughout the state to receive input from any interested parties. The bill authorizes the commissioner of the DRA to adopt rules relative to the qualifications for certification, standards for continuing education and the standards for revocation or suspension of certification, which will stay in place until the Assessing Standards Board adopts rules for their assessing standards. Since there are many small municipalities that do not have a large number of real estate sales, sufficient varieties of real property or significant levels of development to justify the hiring of a professional assessor, this bill authorizes municipalities to create cooperative assessment districts in order to share the financial burden of such an assessor. The process for creating these districts and the requirements for an inter-local agreement are outlined in the bill. SB 193 also requires the DRA to make available to those boards the reports of any experts hired to analyze the States assessing practices. Section 14 of SB 193 changes the equalization formula by removing the values derived from the original stock and trade tax which are compensated through RSA 31-A, the Revenue Sharing statute. Another committee has been established to review the local selectmen's role in the assessing functions and to review the possibility of establishing a professional assessors' licensing board. The amendment to SB 193 contains the original language of HB 549 which deals with orders for reassessment made by the Board of Tax and Land Appeals (BTLA); the criteria for allowing the DRA to petition the BTLA for a local reassessment and the process needed by the DRA to require those reassessments if a municipality does not abide by the reassessment order. Vote 16-0.

**Amendment (1298h)**

Amend RSA 21-J:14-f as inserted by section 2 of the bill by replacing it with the following:

**21-J:14-f Certification Required.**

I. Every person, whether working individually, for a firm or corporation, or as a municipal or department of revenue administration employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

II. No person, except boards of assessors and selectmen making appraisals pursuant to RSA 75:1, shall make appraisals on behalf of a municipality for tax assessment purposes without first obtaining the certification required by this section. Certification is non-assignable and cannot be transferred. Any person who willfully fails to obtain certification as provided in this section shall be subject to the penalties imposed under RSA 21-J:39.

III. All persons approved or certified by the department or by the New Hampshire Association of Assessing Officials on the effective date of this section shall be deemed certified subject to standards which may be developed for continuing education and revocation or suspension of certification until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

Amend RSA 21-J:14-j, I as inserted by section 2 of the bill by replacing it with the following:

I. The intergovernmental agreement used to form a cooperative assessing district shall substantially conform to the provisions outlined in RSA 53-A:3 and shall include the following:

(a) A district cost allocation formula based in whole or in part on the number of parcels of real property in each member municipality.

(b) A governing board on which each municipality in the district is represented by at least one member who has at least one vote.

(c) A term of initial membership of at least 5 years.

(d) A requirement of at least 12 months written notice and a vote of the municipality's legislative body before a member may withdraw from the district.

(e) Provisions for holding a withdrawing municipality responsible for payment of its proportionate share of future district expenses to which the district may be committed because of the withdrawing municipality's membership such as capital costs and retirement costs.

(f) Provisions that require a municipality which joins a district to provide its annual pro rata share of the district's budget without regard to whether or not said share is approved and supported by the governing body, the budget committee, or the legislative body of the municipality.

(g) Provisions for administratively attaching the district staff to a political subdivision for the purposes of accounting, payroll, retirement, insurance and fringe benefits, and for compensating that political subdivision for these administrative services.

(h) Provisions for compensation and oversight if private entities are hired by the district, rather than staff administratively attached to and serving as employees of a political subdivision.

(i) A formula for staffing the district with full-time, trained, and certified professional appraisers which may be based on the number of parcels and types of properties found in the district and other necessary staff.

Amend RSA 21-J:39, IV as inserted by section 5 of the bill by replacing it with the following:

IV.(a) No person, except elected officials making appraisals pursuant to RSA 75:1, shall willfully engage in making appraisals of a municipality for tax assessment purposes, unless such person is certified as provided in RSA 21-J:14-f.

(b) No person engaged in making appraisals of a municipality for tax assessment purposes shall willfully fail to maintain and provide the department access to the records required to be kept under RSA 21-J:14-e.

(c) Any person who violates subparagraph (a) or (b) shall be guilty of violation.

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 20, respectively:

16 Revenue Administration; Duties of Commissioner; Reassessment. Amend RSA 21-J:3, XXV to read as follows:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16-19 whenever the valuation of property [for

~~equalization purposes~~] in a particular city, town, or unincorporated place is disproportional to the valuation ~~[for equalization purposes in other cities, towns, or unincorporated places in the state] of other property within that city, town, or unincorporated place.~~

17 Equalization Procedure; Options. Amend the introductory paragraph of RSA 21-J:9-a, III to read as follows:

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made or the commissioner determines the sales are unrepresentative of the property within the municipality, the commissioner may choose one or more of the following options ~~[in the order listed]~~:

18 New Sections; Petition for Order of Reassessment; Procedure and Expenses. Amend RSA 21-J by inserting after section 9-a the following new sections:

21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that property in a city, town, or unincorporated place is valued disproportionately to other property within that municipality in determining whether to petition the board of tax and land appeals to issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and land appeals to issue an order for reassessment of property if the following criteria are met:

I. The commissioner's most recent annual sales-assessment ratio study indicates that the coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a level of confidence as low as 70 percent;

II. The municipality has not conducted a full revaluation within 6 years; and

III. A municipality has not contracted for a full revaluation of the property within such municipality to be effective no later than the tax year following such determination.

21-J:9-c Orders for Reassessment. The following provisions shall govern cases in which the board of tax and land appeals has certified an order for reassessment to the department pursuant to RSA 71-B:18:

I. The commissioner may contract for the services of certified appraisers as needed to complete such reassessments in compliance with any certified orders of the board of tax and land appeals.

II. All reasonable expenses incurred by the department in completing a reassessment shall be paid in the first instance from the appropriation for the department, but each city, town, or county in the case of an unincorporated place, shall, upon notification by the commissioner of the amount due, reimburse the department for such expenses incurred as follows:

(a) The expenses for completing a reassessment, including, but not limited to, salaries of staff of the department for such time as the staff have spent on the reassessment, with the exception of expenses incurred by the department in the supervision and monitoring of appraisals pursuant to RSA 21-J:11, shall be reimbursed; and

(b) The amount of such reimbursement to the department shall, without vote of the municipality, be assessed and collected.

19 Property Taxes; What Taxes Assessed; Expenses of Reassessment. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 *and* RSA 21-J:9-c.

#### AMENDED ANALYSIS

I. Establishes an assessing standards board and an equalization standards board, both of which are administratively attached to the department of revenue administration.

II. Requires appraisers, except for boards of assessors and selectmen, to be certified by the department of revenue administration. The bill grants the department the authority to audit such appraisers.

III. Permits 2 or more municipalities to form a cooperative assessing district.

IV. Makes a change in the formula for annual equalization of valuation of property by the department of revenue administration.



V. Establishes a committee to study the role of selectmen in the assessing function and the feasibility of establishing a professional assessors' licensing board.

VI. Allows the department of revenue administration to petition the board of tax and land appeals for an order of reassessment of valuation of property within a municipality. The bill also allows the department to contract for appraisers to complete reassessments and to receive reimbursement of costs.

VII. Makes an appropriation for purposes of the bill.

Rep. Patten spoke against.

Amendment failed.

Rep. Patten offered a floor amendment (1374h).

### **Floor Amendment (1374h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Administratively Attached Boards. RSA 21-J:1-a is repealed and reenacted to read as follows:

21-J:1-a Boards Administratively Attached. The following boards shall be administratively attached to the department of revenue administration, under RSA 21-G:10:

I. The current use board, established under RSA 79-A:3.

II. The assessing standards board, established under RSA 21-J:14-a.

III. The equalization standards board, established under RSA 21-J:14-b.

2 New Subdivisions; Assessing Standards Board; Equalization Standards Board; Certification of Assessors and Auditing Authority; Cooperative Assessment Districts. Amend RSA 21-J by inserting after section 14 the following new subdivisions:

#### **Assessing Standards Board**

21-J:14-a Assessing Standards Board; Members; Appointments; Terms.

I. There is hereby established an assessing standards board which shall be administratively attached to the department of revenue administration, as provided in RSA 21-J:1-a.

II. The board shall be comprised of the following members:

(a) Five members nominated by the New Hampshire Association of Assessing Officials and appointed by the governor with the consent of the council, one of whom shall be an assessing official for a town with a population of less than 5,000; one of whom shall be an assessing official for a town with a population of more than 5,000; and one of whom shall be an assessing official for a city. Each member shall hold office for the term of such member's position for 2 years and until a successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

(b) Two members of the senate appointed by the president of the senate. The term of each member shall be coterminous with the member's term as senator. A vacancy for an unexpired term shall be filled by the president of the senate.

(c) Two members of the house of representatives appointed by the speaker of the house. The term of each member shall be coterminous with the member's term as representative. A vacancy for an unexpired term shall be filled by the speaker of the house.

(d) The commissioner of the department of revenue administration, or the commissioner's designee.

(e) Three members of the public appointed by the governor with the consent of the council, at least one of whom shall be a selectman in a town with a population of 5,000 or less.

III. Members of the assessing standards board who are not state employees or legislators shall each be paid \$25 a day for such time as the members are actually engaged in the work of the board. All members shall be paid their actual expenses incurred as the result of such work. Non-legislative members shall be paid mileage at the same rate as state employees, but legislative members shall receive mileage at the legislative rate.

IV. The board shall annually elect a chairperson from among its members. The first meeting of the board shall be called by the first-named house member and shall be held within 30 days after the effective date of this section. A chairperson shall be elected from the board's membership at the first meeting and annually thereafter.

21-J:14-b Powers and Duties of the Board.

I. The assessing standards board shall adopt rules, pursuant to RSA 541-A, and recommend appropriate legislation relative to:



(a) The annual update and publication of an assessing procedures manual for selectmen and boards of assessors. Such manual shall include the department of revenue administration's appraisal manual, a calendar of tasks to be completed on a periodic basis including those tasks required by state statute, and such other information as the board deems necessary. The board shall examine the report of the expert hired by the department of revenue administration.

(b) Standards to be followed by assessors, selectmen, and the board of assessors throughout the state, relating to the administration of the property tax and assessment of real property used in any state property tax system.

(c) The establishment of certification, continuing education, and revocation and suspension standards for assessing officials. The commissioner of the department of revenue administration shall be responsible for enforcement of those standards.

(d) The establishment of standards for monitoring of local assessment practices by the department of revenue administration, standards for the adequacy of tax maps and other records, and standards for audit by the department of revenue administration of municipalities.

(e) The identification of practices which constitute sales-chasing and penalties to be adopted by the legislature regarding such practices.

(f) Forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

(g) Any study conducted for the purpose of determining the status of assessing practices or the improvement of assessing in the state.

II. All standards and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on assessing standards and practices. After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph III, the chairperson shall proceed to adopt any proposed rules.

III. The board, on or before December 1 of each year, shall report its findings and recommendations for proposed legislation to the governor, president of the senate, speaker of the house of representatives, the senate clerk, the house clerk, and the state library.

#### Equalization Standards Board

##### 21-J:14-c Equalization Standards Board; Members; Appointments; Terms.

I. There is hereby established an equalization standards board which shall be administratively attached to the department of revenue administration, as provided in RSA 21-J:1-a.

II. The board shall be comprised of the following members:

(a)(1)(A) One member nominated by the New Hampshire Association of Counties and appointed by the governor with the consent of the council.

(B) One member nominated by the New Hampshire Association of School Boards and appointed by the governor with the consent of the council.

(C) One member nominated by the New Hampshire Municipal Association and appointed by the governor with the consent of the council.

(D) Two members nominated by the New Hampshire Association of Assessing Officials and appointed by the governor with the consent of the council, one of whom shall be an assessing official for a town with a population of less than 5,000, the other of whom shall be an assessing official for a town or city with a population of more than 5,000.

(2) Each member appointed under subparagraph (a)(1) shall hold office for 2 years, and until such member's successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

(b) Three members of the public, one of whom shall have experience with equalization processes and one with experience in statistics, appointed by the governor with the consent of the council. Each member shall serve for a term of 3 years and until such member's successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

(c) Two members of the senate, appointed by the president of the senate. The term of each member shall be coterminous with the member's term as senator. A vacancy for an unexpired term shall be filled by the president of the senate.

(d) Two members of the house of representatives, appointed by the speaker of the house. The term of each member shall be coterminous with the member's term as representative. A vacancy for an unexpired term shall be filled by the speaker of the house.

(e) The commissioner of the department of revenue administration, or the commissioner's designee.

III. Members of the equalization standards board who are not state employees or legislators shall each be paid \$25 a day for such time as the members are actually engaged in the work of the board. All members shall be paid their actual expenses incurred as a result of such work. Non-legislative members shall be paid mileage at the same rate as state employees, but legislative members shall receive mileage at the legislative rate.

IV. The first meeting of the board shall be called by the first-named senate member and shall be held within 30 days after the effective date of this section. A chairperson shall be elected from among the board's membership at the first meeting and annually thereafter.

21-J:14-d Powers and Duties of the Board. The equalization standards board shall have the following powers and duties:

I. The board shall meet, at least annually, to review the procedures of the prior year's ratio studies conducted by the department of revenue administration for the purposes of equalization and the evaluation of assessment performance and to establish procedures for improving the ratio studies for the forthcoming property tax year.

II. The board shall develop standards for equalization and shall review, revise, and approve the equalization manual published by the department of revenue administration. In developing its standards, the board shall review the standards of the International Association of Assessing Officials and any other standards that are consistent with the work of the board.

III. The board shall annually determine, vote upon, and recommend to the chairperson of the board, the ratio study procedures for use in the forthcoming tax year. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on the ratio study procedures. After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph IV, the chairperson shall proceed to adopt any proposed rules.

IV. The board, on or before December 1 of each year, shall report its findings and recommendations for proposed legislation to the governor, president of the senate, speaker of the house of representatives, the senate clerk, the house clerk, and the state library.

V. The board shall adopt rules, on or before December 31, 2001, pursuant to RSA 541-A and with specific attention to RSA 541-A:25, relative to unfunded state mandates, relative to:

(a) Standards and procedures for the calculation of equalization ratios and confidence intervals as recommended by the board.

(b) The equalization manual.

(c) Other forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

Certification of Assessors and Auditing Authority

21-J:14-e Auditing Authority. Every person, firm, or corporation making appraisals on behalf of a municipality for tax assessment purposes shall maintain records of its appraisal activities and shall make all such records available for inspection by the commissioner or authorized agents, upon request, at reasonable times during regular business hours. Any willful violation of the provisions of this section shall be subject to the penalties included in RSA 21-J:39.

21-J:14-f Certification Required.

I. Every person, whether working individually, for a firm or corporation, or as a municipal or department of revenue administration employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

II. No person, except boards of assessors and selectmen making appraisals pursuant to RSA 75:1, shall make appraisals of a municipality for tax assessment purposes without first obtaining the certification required by this section. Certification is non-assignable and cannot be transferred. Any person who willfully fails to obtain certification as provided in this section shall be subject to the penalties imposed under RSA 21-J:39.

III. All persons approved or certified by the department or by the New Hampshire Association of Assessing Officials on the effective date of this section shall be deemed certified subject to standards which may be developed for continuing education and revocation or suspension of certification until the assessing standards board adopts rules under RSA 21-J:14-b, 1(c).

21-J:14-g Suspension and Revocation of Certification.

I. The commissioner, after notice and hearing, may suspend or revoke the certification of any person or may refuse to issue or renew any certification for failure to comply with the provisions of RSA 21-J:14-e and RSA 21-J:14-f or with rules adopted by the commissioner under RSA 21-J:14-e and RSA 21-J:14-f.

II. Any person aggrieved by a suspension, revocation, or refusal of the commissioner may appeal from the ruling either by application to the board of tax and land appeals or by petition to the superior court in the county in which such person resides or maintains his or her business within 30 days after receiving written notice of the commissioner's ruling. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith.

Cooperative Assessment Districts

21-J:14-h Purpose. The general court finds that the encouragement and support of the establishment of multi-jurisdictional assessing districts is in the state's interest in order to ensure the accuracy and fairness of valuations of real property for the purposes of administration of the statewide property tax, county property taxes, school district property taxes, municipal property taxes, the distribution of various forms of state aid, and the equalization of property values among jurisdictions. The general court further recognizes that many municipalities do not have sufficient numbers of real estate parcels, sufficient varieties of real property, or sufficient levels of new development to make it practical or economical to engage full-time, trained, and certified assessing professionals. The general court further finds that the state has a vested interest in encouraging and supporting the establishment of cooperative assessing districts which can efficiently and economically provide full-time, trained, and certified assessing professionals to serve the municipalities which elect to create and join said districts.

21-J:14-i Cooperative Assessing Districts Authorized.

I. Any 2 or more municipalities may form a cooperative assessing district under this chapter by utilizing the process set forth in RSA 53-A, relative to agreements between government units.

II. A cooperative assessing district agreement may include a county as an administrative party to the agreement.

III. A cooperative assessing district may have municipalities from more than one county as members.

21-J:14-j Minimum Requirements for a District Inter-local Agreement.

I. The intergovernmental agreement used to form a cooperative assessing district shall substantially conform to the provisions outlined in RSA 53-A:3 and shall include the following:

(a) A district cost allocation formula based in whole or in part on the number of parcels of real property in each member municipality.

(b) A governing board on which each municipality in the district is represented by at least one member who has at least one vote.

(c) A term of initial membership of at least 5 years.

(d) A requirement of at least 12 months written notice and a vote of the municipality's legislative body before a member may withdraw from the district.

(e) Provisions for holding a withdrawing municipality responsible for payment of its proportionate share of future district expenses to which the district may be committed because of the withdrawing municipality's membership such as capital costs and retirement costs.

(f) Provisions that require a municipality which joins a district to provide its annual pro rata share of the district's budget without regard to whether or not said share is approved and supported by the governing body, the budget committee, or the legislative body of the municipality.

(g) Provisions for administratively attaching the district staff to a political subdivision for the purposes of accounting, payroll, retirement, insurance and fringe benefits, and for compensating that political subdivision for these administrative services.

(h) Provisions for compensation and oversight if private entities are hired by the district, rather than staff administratively attached to and serving as employees of a political subdivision.

(i) A formula for staffing the district with full-time, trained, and certified professional appraisers which may be based on the number of parcels and types of properties found in the district and other necessary staff.



II. All appraisers employed by a district shall meet current standards pursuant to RSA 21-J:14-f.

3 Duties of Commissioner; Hearings. Amend RSA 21-J:3, XVIII to read as follows:

XVIII. Hear appeals on disputed taxes, penalties, and interest *and on certification suspension, revocation, or rejection under RSA 21-J:14-g.*

4 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XI the following new paragraph:

XII. Certification, enforcement, and hearing requirements under RSA 21-J:14-f and 21-J:14-g.

5 New Paragraph; Penalties. Amend RSA 21-J:39 by inserting after paragraph III the following new paragraph:

IV.(a) No person, except elected officials making appraisals pursuant to RSA 75:1, shall willfully engage in making appraisals of a municipality for tax assessment purposes, unless such person is certified as provided in RSA 21-J:14-f.

(b) No person engaged in making appraisals of a municipality for tax assessment purposes shall willfully fail to maintain and provide the department access to the records required to be kept under RSA 21-J:14-e.

(c) Any person who violates subparagraph (a) or (b) shall be guilty of violation.

6 New Section; Option to Assign Appraisal Responsibility. Amend RSA 31 by inserting after section 95-f the following new section:

31:95-g Option to Assign Appraisal Responsibility. The legislative body of any municipality may vote to authorize the elected officials to delegate the assessing functions imposed on them under RSA 75:1, 75:11, and 79-A:5 to a person certified by the department of revenue administration under RSA 21-J:14-f.

7 Appraisals; Oaths of Selectmen and Assessors. Amend RSA 75:7 to read as follows:

75:7 Oath. The selectmen and assessors shall take and subscribe upon the copies or original inventories and assessments of both resident and nonresident taxes, furnished by them to the town clerks in their respective towns, to be recorded in the clerk's records, the following oath, which may be subscribed before any justice of the peace or notary public: We, the selectmen and assessors of \_\_\_\_\_, ~~[do solemnly swear]~~ *certify under the penalty of perjury that in making the inventory for the purpose of assessing the foregoing taxes [we appraised] all taxable property was appraised to the best of our knowledge and belief at its full value, [and as we would appraise the same in payment of a just debt due from a solvent debtor. So help us God] in accordance with state appraisal standards.*

8 Expert Report. The commissioner of the department of revenue administration shall make available to the assessing standards board, established under RSA 21-J:14-a, and the equalization standards board, established under RSA 21-J:14-c, the findings and reports of any expert hired by the department to analyze the state's equalization and assessing practices. Both boards shall consider the expert's findings in carrying out their statutory duties.

9 Committee Established. There is hereby established a committee to study the role of selectmen in the assessing function and to study the feasibility of establishing a professional assessors' licensing board to improve the practice of assessing in the state of New Hampshire.

10 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

11 Duties. The committee shall study:

I. The role of selectmen in the assessing process.

II. The feasibility of establishing a professional assessors licensing board. The committee shall focus on whether such a board would improve the practice of assessing the state of New Hampshire and on the related part I, article 28-a cost issues.

III. Other matters pertaining to improving the administration and equity of the state's property tax system.

12 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.



13 Report. The committee shall report its findings and any recommendations for proposed legislation to the governor, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, and the state library on or before December 1, 2001.

14 Equalized Valuation. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, and 72:70 by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, ~~[including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7, 72:15, I, V, VII, VIII, IX, X, and XI, 72:16, 72:17, 73:26, 73:27, and 73:11 through 16 inclusive, which were relieved from taxation by the laws of 1970, 5:3, 5:8, 57:12, and 57:15, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A,]~~ and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.

15 Revenue Administration; Duties of Commissioner; Reassessment. Amend RSA 21-J:3, XXV to read as follows:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16-19 whenever the valuation of property ~~[for equalization purposes]~~ in a particular city, town, or unincorporated place is disproportional to the valuation ~~[for equalization purposes in other cities, towns, or unincorporated places in the state]~~ *of other property within that city, town, or unincorporated place.*

16 Equalization Procedure; Options. Amend the introductory paragraph of RSA 21-J:9-a, III to read as follows:

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made or the commissioner determines the sales are unrepresentative of the property within the municipality, the commissioner may choose one or more of the following options ~~[in the order listed]:~~

17 New Sections; Petition for Order of Reassessment; Procedure and Expenses. Amend RSA 21-J by inserting after section 9-a the following new sections:

21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that property in a city, town, or unincorporated place is valued disproportionately to other property within that municipality in determining whether to petition the board of tax and land appeals to issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and land appeals to issue an order for reassessment of property if the following criteria are met:

I. The commissioner's most recent annual sales-assessment ratio study indicates that the coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a level of confidence as low as 70 percent;

II. The municipality has not conducted a full revaluation within 6 years; and

III. A municipality has not contracted for a full revaluation of the property within such municipality to be effective no later than the tax year following such determination.

21-J:9-c Orders for Reassessment. The following provisions shall govern cases in which the board of tax and land appeals has certified an order for reassessment to the department pursuant to RSA 71-B:18:

I. The commissioner may contract for the services of certified appraisers as needed to complete such reassessments in compliance with any certified orders of the board of tax and land appeals.

II. All reasonable expenses incurred by the department in completing a reassessment shall be paid in the first instance from the appropriation for the department, but each city, town, or county in the case of an unincorporated place, shall, upon notification by the commissioner of the amount due, reimburse the department for such expenses incurred as follows:

(a) The expenses for completing a reassessment, including, but not limited to, salaries of staff of the department for such time as the staff have spent on the reassessment, with the exception of expenses incurred by the department in the supervision and monitoring of appraisals pursuant to RSA 21-J:11, shall be reimbursed; and

(b) The amount of such reimbursement to the department shall, without vote of the municipality, be assessed and collected.

18 Property Taxes; What Taxes Assessed; Expenses of Reassessment. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 *and RSA 21-J:9-c*.

19 Effective Date.

I. Sections 9-13 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

I. Establishes an assessing standards board and an equalization standards board, both of which are administratively attached to the department of revenue administration.

II. Requires appraisers, except for boards of assessors and selectmen, to be certified by the department of revenue administration. The bill grants the department the authority to audit such appraisers.

III. Permits 2 or more municipalities to form a cooperative assessing district.

IV. Makes a change in the formula for annual equalization of valuation of property by the department of revenue administration.

V. Establishes a committee to study the role of selectmen in the assessing function and the feasibility of establishing a professional assessors' licensing board.

VI. Allows the department of revenue administration to petition the board of tax and land appeals for an order of reassessment of valuation of property within a municipality. The bill also allows the department to contract for appraisers to complete reassessments and to receive reimbursement of costs. Rep. Patten spoke in favor and yielded to questions.

Rep. Marilyn Fraser spoke in favor.

Adopted.

Report adopted and ordered to third reading.

### SENATE MESSAGE

#### REQUEST CONCURRENCE WITH AMENDMENT

**HB 310 FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. (Amendment printed SJ 5/31/01)

Rep. Alukonis moved that the House concur.

Adopted.

### RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 7, 2001 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 386**, relative to the relocation of the principal residence of a child.

**SB 74**, relative to providing services under the Child Protection Act.

**HB 631-L**, relative to access to public school programs by nonpublic or home educated pupils.

- SB 130-FN**, extending the period in which an expired electrician's license may be renewed.
- SB 132**, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends.
- SB 167-FN-A**, relative to the medicaid payment for long-term care services.
- SB 62**, relative to guardianships.
- SB 82**, relative to service of process in marital matters.
- SB 100**, establishing a committee to study the feasibility of creating a mental health court division.
- SB 134-FN-A**, establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways.
- SB 107-FN**, relative to violations of motor vehicle laws by foreign diplomatic and consular officers.
- SB 165-FN**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use.
- HB 523**, relative to filing fees and legislative approval of certain settlements by the attorney generals.
- SB 58**, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor.
- SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment.
- SB 164-FN-A-L**, establishing a comprehensive statewide accountability system concerning an adequate education.
- SB 69-FN-A-L**, relative to a New Hampshire legal assistance office in Nashua and making an appropriation therefor.
- SB 144-L**, increasing bail commissioners' fees.
- SCR 2**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.
- HB 712-FN**, relative to the coordination of state, regional, and local planning efforts.
- SB 193-FN-A-L**, relative to changes in the property tax system and making an appropriation therefor.

### UNANIMOUS CONSENT

Rep. Burling moved that the remarks made by Reps. Buckley, Rosen and Avery be printed in the Permanent Journal.

Adopted.

### REMARKS

Rep. Buckley: Thank you, Mr. Speaker. Last week we once again heard moving stories about the men and women who so bravely served our country. Over the years, I have come to look forward to and deeply appreciate the fine tradition of this House to pause every so often from the debates of the day to honor those among us, and all those who wore our nation's uniform, those who are no longer with us and those who never returned.

I rise today to honor the memory of one particular soldier who never returned to his native Granite State. As you enter the State House through the Hall of Flags, in a place, I believe of high honor, we have a display that lists the names of those still listed as missing in action in the Korean conflict and Vietnam War. The first name listed is US Army Corporal Arthur Delbert Buckley of Cheshire County. My dad's cousin was not yet twenty years old when he was declared missing in action on December 9, 1950, which was two days after my dad's tenth birthday. Over the years, it has been with great reverence, pride and emotion that my dad has shared with his children and grandchildren the story of his brave young cousin.

Young Arthur Buckley was eager to fight for America and it must have been frustrating for him as a young adolescent during World War II. Following the war, at age 15, he joined the US Navy but was, of course, promptly sent home when they discovered his true age. After his 17<sup>th</sup> birthday, he joined the US Army. While in Keene between his basic training and heading out for Korea, Arthur made headlines in the *Keene Sentinel* by saving the life of a man by leaping into a burning dump fire and pulling the man out while other bystanders stood frozen with utter fear.

Those two examples of his willingness to fight and his bravery give added credence to the last story my family ever heard regarding Arthur. Following the declaration of Arthur's MIA status, his father was visited by a man who served with Arthur in Korea. He was told of Arthur's last act of bravery. While wounded and unable to walk, Arthur insisted that he be allowed to stay behind – alone – to fight the advancing Communist troops allowing for the rest of the men to escape to safety. The young man told my dad's uncle that without young Arthur's brave sacrifice it was unlikely that any of them would have survived.



So I rise today, this week of Memorial Day, to mark the 50<sup>th</sup> Memorial Day that has been celebrated since US Army Corporal Arthur Delbert Buckley, that brave teenager from Keene, New Hampshire, was lost. I also rise today to honor his memory, the memory of the other 19 men still listed as missing in action from Korea and all those who have ever served our country. Thank you.

Rep. Rosen: Thank you, Mr. Speaker. This is a brief reminder that we have an important anniversary coming up this weekend, next week, anniversary of the Battle of Midway. Battle of Midway is probably one of the most important battles or events in the history of the United States that changed our whole future. It compares in importance to other battles in the world, naval battles, by the way, that were important to the whole world. I was speaking to someone who remembers the Battle of Salamis sometime before the birth of Christ when the Greeks turned back the Persians and thus preserved the western way of life, the western thought as opposed to the eastern despotism. This battle was the same sort of thing. The Japanese came up with their carriers, and we had battle and fortunately, we turned them back. We hear a lot these days about the events at Pearl Harbor, truly a significant and tragic event. It was important, it brought us into the war. But remember our carriers were not at Pearl Harbor, they did escape that carnage. They went on to fight the Japanese and eventually won. What the history of the United States would have been if we had lost Midway, I don't know. We might have won the war finally but it would have been a far different battle and much more costly. I ask you all to think of the people who fought in the Battle of Midway. I was not one of them by the way, but please think of them. Thank you.

Rep. Avery: Thank you, Mr. Speaker. I just wanted to take a couple of minutes to call to attention to the enormous support that members of this House have contributed to Memorial Day ceremonies over the past four days culminating with an outstanding event that took place last night at the Center of New Hampshire. Mr. Speaker, over 500 people attended a salute to 320 years of military history in New Hampshire. An esteemed keynote speaker, Senator Bob Dole, who has been the prime mover for the World War II memorial in Washington, DC, has lent his support and efforts here in New Hampshire to raise money for the Veterans' Cemetery in Boscawen.

Mr. Speaker, I would like to acknowledge all the members here who have served their country in uniform. Would all the members, who have served in the military, please stand for a moment. On behalf of all of us, we thank you for your service.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 1:25 p.m.

### RECESS

(Rep. Nordgren in the Chair)

### SENATE MESSAGE

### CONCURRENCE

**HB 218-FN**, relative to the motor vehicle road toll law and motor vehicle registration fees.

### ENROLLED BILL AMENDMENT

**SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families. (Amendment printed SJ 6/05/01)

Adopted.

### ENROLLED BILL REPORTS

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 120, 142, 143, 189, 230, 232, 367, 369, 376, 377, 433, 482, 727, and Senate Bills 11, 12, 15, 25, 27, 33, 35, 37, 40, 44, 50, 85, 89 and 92.

Rep. Nordgren, Sen. Pignatelli for the Committee

### RECESS



(Rep. Clegg in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 107, 255, 452, 569, 574, 594, and Senate Bills 23, 49, 71 and 136.

Rep. Nowe, Sen. Pignatelli for the Committee

### ENROLLED BILL AMENDMENTS

**SB 45**, relative to the legislative oversight committee on electric utility restructuring and relative to service from a rural electric cooperative under special contracts. (Amendment printed SJ 6/07/01)

Adopted

**SB 55**, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles. (Amendment printed SJ 6/07/01 )

Adopted.

**SB 61**, establishing a procedure for summary administration of estates. (Amendment printed SJ 6/07/01)

Adopted.

**SB 63**, relative to administration of estates and filing of wills by executors. (Amendment printed SJ 5/24/01)

Adopted.

**SB 131-FN-A**, establishing a study committee relative to charitable bingo operations. (Amendment printed SJ 6/07/01)

Adopted.

**SB 150**, relative to community services for persons with developmental disabilities. (Amendment printed SJ 6/07/01)

Adopted.

### SENATE MESSAGES

#### CONCURRENCE

**HB 413**, relative to ownership of rail properties.

**HB 520**, relative to clarifying qualifications of candidates.

**HB 534**, relative to "salvage" motor vehicles.

**HB 573**, relative to the role of certain advanced registered nurse practitioners in the state mental health services system.

**HB 579**, relative to nominating a political organization by nomination papers.

**HB 590**, permitting life insurance companies access to certain motor vehicle records.

**HB 635**, relative to family mutual support services.

**HB 677**, relative to certification and filing of nomination papers.

**HB 740**, relative to decommissioning of nuclear electric generating facilities.

**HCR 12**, requesting that the federal government authorize greater state regulation of gas pipelines and pipelines carrying other hazardous substances.

#### NONCONCURRENCE

**HB 229**, relative to third person liability under the workers' compensation law.

**HB 576**, establishing a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

#### CONCURRENCE WITH AMENDMENT

**SB 57**, relative to the economic development matching grants program.

#### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 238**, relative to interstate banking.

The President appointed Sens. Larsen, Johnson and Fernald.

**HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities.

The President appointed Sens. Wheeler, Prescott and McCarley.

**RE-REFERRED TO COMMITTEE**

**HB 295-FN**, relative to medicaid recoveries from third party settlements.

**HB 393-FN**, relative to plant nurseries and nursery stock.

**HB 485**, relative to physicians employed by hospitals.

**HB 553-FN-L**, requiring background checks for nursing home employees.

**HB 690**, relative to disclosure of nonpublic personal health information.

**RECESS**

**(Rep. Sullivan the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 164**, relative to exceptions to the confidentiality of certain department of employment security records.

**Amendment (1463-EBA)**

Amend the bill by replacing section 1 with the following:

I Employment Security; Unemployment Compensation; Confidentiality of Reports or Statements.  
Amend RSA 282-A:118, II-III to read as follows:

II. That a claimant may inspect records and reports of an individual or employing unit which are directly connected with any claim for benefits which he may have made, including any which he has submitted in support of his claim for benefits; but he shall not be entitled to inspect the separate account or records directly connected therewith of any employing unit; ~~and~~

III. That public employees in the performance of their public duties may inspect records and reports of an individual, an employing unit, or a claimant where such information will aid in the performance of their public duties;

*IV. That authorized federal employees granted access as provided in paragraph III shall be granted access on a case-by-case basis. In no event shall access to or copies of any database, whether written, electronic, or other, be provided to any agency, employee, or agent of the federal government except as required by federal or state law and duly authorized by the commissioner; and*

*V. That for the purpose of assessing governmental performance and accountability, the commissioner may provide information to the Wage Record Interchange System developed by the U.S. Department of Labor as administered by the National Association of State Workforce Agencies (NASWA) and utilized by each state's Performance Accountability and Customer Information Agency (PACIA). The use of the information shall be limited to the purposes contained in the federal Workforce Investment Act or the Wagner-Peyser Act. Information under this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in place.*

Adopted.

**HB 303-FN-A-L**, relative to funding of training and certification of firefighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees.

**Amendment (1436-EBA)**

Amend section 1 of the bill by replacing line 4 with the following:

and EMS responders play in the maintenance of the health and safety of the citizens of and visitors to  
Amend section 1 of the bill by replacing lines 15-16 with the following:

responsibility of the divisions of fire standards and training and emergency medical services to provide these professions with their services at a regional level. It is recognized that these funds will be used for the delivery of

Amend section 4 of the bill by replacing line 14 with the following:

standards and training and emergency medical services, the development of technological

Amend section 5 of the bill by replacing lines 7-8 with the following:

(a) Fees for tuition, services, and licenses under RSA 21-P:12-a and RSA 21 P:12-b.

(b) Tuition reimbursement under RSA 21-P:12-a and RSA 21-P:12-b.

Amend section 12 of the bill by replacing line 8 with the following:

*the original or youth operator's license.* Under certain conditions the commissioner may waive  
Adopted.

**HB 370**, relative to the regulation of the trapping by the fish and game department.

**Amendment (1407-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the regulation of trapping by the fish and game department.

Adopted.

**HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines.

**Amendment (1430-EBA)**

Amend section 4 of the bill by replacing line 4 with the following:

manufacturers, health maintenance organizations, insurance carriers, and health care providers

Adopted.

**HB 595**, relative to single producer licensing.

**(Amendment (1451-EBA))**

Amend RSA 402-J:14, II as inserted by section 1 of the bill by replacing line 5 with the following:

insurer's holding company system or group by the filing of ~~an~~ a single appointment request

Adopted.

**SENATE MESSAGES**

**CONCURRENCE**

**HB 105-FN-A**, establishing an agricultural nutrient management program and making an appropriation therefor.

**HB 181-FN**, relative to group II retirement system membership for police and corrections officers who become police trainers.

**HB 183-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

**HB 186-FN-A**, establishing a pesticides training program.

**HB 302-FN**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage.

**HB 305-FN-A**, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief.

**HB 311-FN-A**, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities.

**HB 350-FN**, relative to persons with disabilities participating in the work incentive program.

**HB 471-FN**, relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons.

**HB 606-FN**, relative to the Christa McAuliffe planetarium.

**HB 637-FN**, requiring annual training for members of the workers' compensation appeals board.

**HB 769-FN-L**, relative to fees paid by municipalities for excavating and dredging permit applications.

**RECESS**

**(Speaker Chandler in the Chair)**

Rep. Scanlan moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 20**

Thursday, June 7, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew’s Episcopal Church in Hopkinton.

Compassionate Creator, in You we live and move and have our being. We thank You today for the life of Dorothy Osborn and for all the men and women of our beloved New Hampshire who give generously of their time, wisdom, and treasure to support us and generations to come. May the work of this honorable House reflect the true benefits of freedom and democracy, which empowers us as citizens to be ambassadors of Your grace and love. Amen.

Rep. Robert Fesh led the Pledge of Allegiance.

Sara Blanchard, a student from Merrimack Valley High School, sang our National Anthem.

**LEAVES OF ABSENCE**

Reps. Cardin, Chris Christensen, Dudley, Ginsburg, Jane Kelley, Langone, Lent, O’Keefe, Pepino, Pitts and Irene Pratt, the day, illness.

Reps. Nelson Allan, Bergin, DePecol, Dewhirst, Fairbanks, Marilyn Fraser, Naida Kaen, Leishman, McDonough-Wallace, Pappas, Marsha Pelletier, Neil Reardon, Salts, Shultis, Taylor, Tsiros and Weatherspoon, the day, important business.

Reps. Carlson and McCarthy, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Meredith Cooper, guest of Rep. Owen. Rosemary Fesh, wife of Rep. Fesh. Abigail, Zachary, Nathaniel, Olivia and Cheryl Taylor and Janine, Maria, Ryan, Peter and Mark Landry, guests of the Londonderry delegation. Krishna Prajapati, guest of Reps. Seldin and Gile. Dr. James Backer, guest of Rep. Balcom. Richard Guinta, father of Rep. Guinta.

**SPECIAL GUEST**

Laura Gerraughty, a student from Nashua High School, three-time high school all American athlete, current top placed national high school shot putter and the Manchester Union Leader’s 2001 Athlete of the Year, with her parents Donna and Jim Gerraughty, guests of the House.

**AMENDMENT TO HOUSE RULES**

The Rules Committee offered the following:

**Amendment (1410h)**

Amend House Rule 64 by adding the following:

Legislative action in the second-year session shall be subject to the following deadlines:

Thursday, January 24, 2002	Last day to report retained bills and supplemental House bills being referred to a second committee.
Thursday, January 31, 2002	Last day to act on retained bills and supplemental House bills being referred to a second committee.
Thursday, February 21, 2002	Last day to report all remaining retained bills and supplemental House bills.
Thursday, March 7, 2002	CROSSOVER. Last day to act on all remaining retained bills and supplemental House bills.
Friday, May 3, 2002	Last day to act on committee of conference reports.

Reps. Scanlan and Burling moved that the amendment to House Rule 64, establishing deadlines for legislative action in the second-year, be adopted.

Adopted.



## SENATE MESSAGES

## REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 112**, establishing a study committee on issues relating to hospital business practices and managed care organizations' networks. (Amendment printed SJ 5/31/01)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 525**, relative to property and casualty insurance. (Amendment printed SJ 5/31/01)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 580**, requiring health insurance carriers to provide loss information to large employers at least once every 6 months. (Amendment printed SJ 5/31/01)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 591**, relative to certain prescription discount cards. (Amendment printed SJ 5/31/01)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 720**, relative to permitting the use of certain firearms for hunting deer. (Amendment printed SJ 5/31/01)

Rep. McKinney moved that the House concur and spoke in favor.

Adopted.

**HB 388**, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility. (Amendment printed SJ 5/31/01)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 396**, relative to the practice of physicians and surgeons. (Amendment printed SJ 5/31/01)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 347-FN**, relative to terminal pay for certain state officials or employees. (Amendment printed SJ 6/05/01)

Rep. Gilman moved that the House concur and spoke in favor.

Adopted.

**HB 570**, relative to the unemployment compensation law. (Amendment printed SJ 6/05/01)

Rep. Gilman moved that the House concur.

Rep. Clegg spoke in favor.

Adopted.

**HB 499**, making state-appointed advisory committees subject to the right-to-know law. (Amendment printed SJ 6/05/01)

Rep. Mock moved that the House concur and spoke in favor.

Adopted.

**HJR 5**, encouraging the use of renewable energy systems in new or rehabilitated state buildings. (Amendment printed SJ 5/31/01)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

**HB 459-FN**, relative to inspection requirements for antique vehicles. (Amendment printed SJ 5/01/01)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 615**, relative to the duties of motor vehicle inspectors. (Amendment printed SJ 5/24/01)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 332-FN-L**, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses. (Amendment printed SJ 5/31/01)

Rep. Batula moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Batula, Pilliod, French and Rogers Johnson.

## NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEE OF CONFERENCE

**SB 18**, relative to termination of small trusts.

The President appointed Sens. Gordon, Roberge and Pignatelli.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Craig, Rowe, Reid and Espieffs.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 99**, relative to the exemption from the community benefits law for charitable trusts, removed by Rep. Kenney.

**HB 678**, relative to notice of release of an inmate from state prison, removed by Rep. Welch.

**SB 168-FN**, relative to education property tax hardship relief, removed by Rep. Alukonis.

Consent Calendar adopted.

**SB 21**, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill establishes a commission to develop recommendations toward reducing regulation barriers to the creation of affordable housing. The commission as constituted by the Senate provides for 21 members, which includes selectmen, legislators, public members, as well as representatives of the housing industry. The Commerce Committee added to the commission the director of the Granite State Foundation for Independent Living or designee as well as deleted from the commission one of the Selectmen. Further we have added to the purpose clause the need to recognize individuals with disabilities and families with members with disabilities.

### Amendment (1292h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing.

Amend the bill by replacing sections 1-4 with the following:

1 Declaration of Purpose. The general court has recently recognized that an acute shortage of housing affordable to a large number of working households, individuals with disabilities and families with members with disabilities in this state is approaching crisis proportions and that for households on fixed or low incomes, the shortage of affordable housing, with the resulting increase in housing costs, presents an immediate threat of homelessness. The general court has also found that this situation threatens to undermine the state's capacity for economic growth by limiting the ability of employers to attract and retain workers. The general court has further found that local land use ordinances and other government regulations may create barriers to a response by the market to the demand for affordable housing. The general court now finds that it is necessary to act to encourage the private and non-profit sectors to address the critical shortage of affordable housing by reducing unnecessary regulatory barriers and encouraging the development of such housing. The commission established by this act is intended to recommend legislation that can accomplish this important goal without compromising the legitimate environmental, health, and safety concerns of local communities.

2 Commission Established. There is established a commission to develop and recommend legislation aimed at reducing regulatory barriers to the creation of affordable housing, encouraging the development thereof, including possible incentives to build such housing, in order to maintain safe, healthy, and diverse communities for all residents of New Hampshire.

### 3 Membership.

#### I. The members of the commission shall be as follows:

- (a) Two members of the senate, appointed by the senate president.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Three public members, appointed by the governor.
- (d) The executive director of the New Hampshire Municipal Association, or designee.
- (e) The executive director of the New Hampshire Home Builders Association, or designee.
- (f) The executive director of the office of state planning, or designee.
- (g) The executive director of the New Hampshire housing finance authority, or designee.
- (h) The executive director of the New Hampshire Realtors Association, or designee.
- (i) The chair of a town board of selectmen, appointed by the senate president.
- (j) The executive director of a community-based, non-profit housing developer, appointed by the governor.
- (k) The president of the New Hampshire Manufactured Housing Association, or designee.
- (l) A professional planner from a regional planning commission, appointed by the speaker of the house.
- (m) The president of the New Hampshire community loan fund, or designee.
- (n) The president of the New Hampshire Property Owners Association, or designee.
- (o) The mayor of a city or designee, appointed by the senate president.
- (p) The commissioner of the department of health and human services, or designee.
- (q) The director of the Granite State Foundation for Independent Living, or designee.
- (r) A president of a local chamber of commerce, or designee, appointed by the governor.

II. The legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the committee.

### 4 Duties. The commission shall:

I. Identify unnecessary local and state regulatory policies and practices which create barriers to the production of affordable housing; and

II. Recommend state legislation and local policy changes which will encourage the creation of affordable housing, including possible incentives to build such housing, in order to maintain the health, safety, and diversity of local communities and residents of the state.

### **SB 41, relative to technical corrections for life, accident and health insurance. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: Sections 3, 4 and 5 of SB 41 mandates allowances of \$350 per year toward the purchase of scalp hair prostheses ( a wig) for alopecia medicamentosa, resulting from the treatment from any form of cancer or leukemia. It also repeals RSA 420-D:1, I relative to the advisory council on continuing care. Part 1 and Part 2 have to do with extending the period of coverage for dependent child under title XVIII of the Social Security Act. Part 2 of the bill allows certain retirees and dependents who have experienced a substantial loss within one year of the employers filing for protection under the bankruptcy provisions of the United States Code to have coverage extended for 35 months. Vote 14-0.

#### **Amendment (1218h)**

Amend the bill by replacing all after section 2 with the following:

#### 3 Coverage for Scalp Hair Prostheses. Amend RSA 415:18-d, I to read as follows:

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses and which also provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, *alopecia medicamentosa resulting from the treatment from any form of cancer or leukemia*, or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses, *provided, that such coverage for alopecia medicamentosa shall not exceed \$350 per year.*



4 Coverage for Scalp Hair Prostheses. Amend RSA 420-A:14, I to read as follows:

I. Every health service corporation and every other similar corporation licensed under the laws of another state, which provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, *alopecia medicamentosa resulting from the treatment from any form of cancer or leukemia*, or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses, *provided, that such coverage for alopecia medicamentosa shall not exceed \$350 per year.*

5 Benefits for Scalp hair Prostheses. Amend RSA 420-B:8-f, I to read as follows:

I. Benefits for scalp hair prostheses shall conform to the requirements of RSA ~~[415:18-c]~~ *415:18-d*. Such benefits shall not be subject to any greater deductible than any other prostheses benefits provided by the health maintenance organization. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the services provided. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses.

6 Repeal. The following are repealed:

I. RSA 420-D:1, I, relative to the definition of advisory council.

II. RSA 420-D:19, relative to the advisory council on continuing care.

7 Effective Date. This act shall take effect 60 days after its passage.

**SB 47**, relative to ownership of certified public accounting firms. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: This bill amends RSA 309-B: 8 pertaining to Certified Public Accounting (CPA) firms. The current law requires that not less than two-thirds of the ownership of such firms belong to individuals who are licensed CPA's. This bill drops the statutory ownership requirement from 66.66% to 51%. The stated purpose of the proposed change is to allow increased ownership by non-licensed individuals who provide skills and services to the firm and its clients in areas other than public accounting. The committee believes that flexibility and adaptability of ownership are essential elements to survival in the rapidly changing financial services industry. By keeping the standard at 51%, effective control of the firm remains vested individually licensed CPA's, but allows firms to attract professionals with other areas of specialization into the ownership structure. Vote 12-2.

**SB 51**, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill contains several sections all regarding the conduct of financial interest. Part I amends the incorporation provisions of our banking laws to bring them into compliance with Gramm-Leach-Bliley, the federal Financial Services Modernization Act. Part 2 also applies to Gramm-Leach-Bliley and another financial holding company. The ability to incorporate a land or trust company in its own right with incorporations. The next five sections of the bill have to do with licensing of operations of cash dispensing machines. Currently ATM's are required to register with the Banking Department with little or no regulatory oversight. The committee felt that the new regulations included in the bill were extreme and would be harmful in maintaining a competitive marketplace for ATM's. Competition is critical if we hope to increase the availability of ATM's and central ATM fees. Therefore that portion of the bill was converted to a study committee. We felt that this issue should be explored and a hearing held on its own merits. Section 7 relaxes a requirement on members serving on boards of some financial institutions (trustees of non-depository trust companies). The final section of SB 51 brings the state of New Hampshire in compliance with the federal government on student loan issues. Vote 14-0.

#### Amendment (1366h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to financial holding companies, establishing a cash dispensing machines study committee, and relative to the participation in meetings by out-of-state, nondepository trust company directors, and clarifying the status of student loans.



Amend the bill by replacing all after section 2 with the following:

3 Committee to Study Licensing Cash Dispensing Machines.

I. There is established a committee to study licensing cash dispensing machines.

II.(a) The members of the committee shall be as follows:

(1) Two members of the house of representatives, appointed by the speaker of the house.

(2) One member of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The duty of the committee shall be to study the licensing of cash dispensing machines.

IV. The members of the study committee shall elect a chairperson from among the members.

The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

4 Directors; Participation in Meetings. Amend RSA 384:7-b to read as follows:

384:7-b Participation in Meetings. Unless the charter or bylaws provide otherwise, a board of directors or trustees may permit any or all directors or trustees to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all of the directors or trustees participating may simultaneously hear each other during the meeting. A director or trustee participating in a meeting by this means is deemed to be present in person at the meeting. However, a director or trustee shall be physically present at a majority of the meetings such director or trustee attends. *If any member of the board of directors of a nondepository trust company resides outside of the state of New Hampshire, the board may permit such out-of-state director to be physically present at a lesser number of meetings, if such arrangement is approved in writing by the bank commissioner, based upon a finding that the safety and soundness of such trust company will not be impaired by such less frequent physical presence.*

5 Consumer Credit Transactions; Application of Chapter to Student Loans. Amend RSA 358-K:6 to read as follows:

358-K:6 Application of Chapter to Types of Transactions. The provisions of this chapter shall apply to all consumer credit transactions, both secured and unsecured, including those transactions secured by a real property mortgage. *The provisions of this chapter shall not apply to student loans, the proceeds of which are exclusively for the payment of tuition and other education-related expenses.*

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill

(1) Adds references to financial holding companies to provisions regarding incorporation of banks.

(2) Creates a committee to study licensing cash dispensing machines.

(3) Permits out-of-state directors of nondepository trust companies to be physically present at fewer directors' meetings under certain circumstances.

(4) Clarifies that student loans are not subject to regulation as consumer credit transactions under RSA 358-K.

**SB 76-FN**, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This is a new program that would require all new retail liquor licensees to attend a training program administered by the liquor commission. This is a different program than the one now administered for bartenders and service personnel. The training program will be provided at no charge and will give the licensee an overview of laws and regulations affecting his or her license. Vote 14-0.

**SB 83**, relative to the New Hampshire film and television commission. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation repeals the sunset date allowing the New Hampshire Television and Film Commission to continue its important work in promoting New Hampshire as an ideal destination for filming. The impact of the television and film industry

particularly benefits the state's travel and tourism efforts and ultimately the state's economy. As we all know, New Hampshire offers a number of scenic and cultural amenities that attracts millions of visitors each year. These visitors bring approximately \$2.8 billion annually into our state and contribute a great deal to state general fund revenues. By showcasing New Hampshire through film and television, the state will have an even greater opportunity to promote the state to potential visitors throughout the world. The economic benefit of bringing film production is important. DRED reports that in 2000 \$500,000 came into the state through film projects alone, with no marketing dollars spent. Revenues for film promotion come from lodging, meals, crew hires, equipment purchases, facility rentals and car rentals. This legislation is an important step in supporting the Film Commission in their efforts to compete with other states in pursuing film and television. Vote 12-0.

**SB 98**, relative to notice requirements prior to the sale of manufactured housing parks. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This bill requires mobile home park owners who intend to sell their park to not only notify the tenants under current law, but also send notification to the New Hampshire Housing Finance Authority. This additional notice will offer to the tenants the opportunity to learn of an additional possible financial vehicle that may be available should they desire to purchase the park themselves. Vote 12-2.

**SB 106**, relative to consumers' cooperative associations. **OUGHT TO PASS**

Rep. Gene B. Marshall for Commerce: This bill increases the flexibility in the Consumers' Cooperative Association statute, permitting the Hanover Co-op (and other co-ops organized under RSA 301, if any) to amend their bylaws in a number of ways to improve efficiency of operations. No one appeared to oppose this bill, and the only real question was whether or not the state should remain involved in setting parameters for these by-law issues. The Hanover Co-op made it clear that they were deeply desirous of having a state-sanctioned framework within which to operate. Vote 14-0.

**SB 108**, relative to the definition of "funeral home." **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce: The intent of the bill was to ensure that only full service funeral homes could be called funeral homes. The committee feels that the consumer is not hurt by some funeral homes outsourcing some of their services (such as embalming) and, as a matter of fact, the consumer may benefit by the savings this practice may generate. After a constructive subcommittee, the funeral directors asked that the bill be withdrawn. Vote 13-0.

**SB 109**, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: This bill implements at the state level certain federal regulations pertaining to the filing of health benefit claims and establishes minimum requirements that must be met by health insurance companies with regard to employee benefits claims; and most specifically to the means and content of notification and determination of benefits on appeal. The amendment simply clarifies and corrects language within the bill. There was no opposition to this legislation. Vote 13-0.

**Amendment (1309h)**

Amend RSA 415-A:4-a, IV as inserted by section 3 of the bill by replacing it with the following:

IV. In any request for a benefit determination, the claimant may authorize a representative to pursue the claim or benefit determination by submitting a written statement to the licensed entity that acknowledges the representation.

Amend RSA 415-A:4-b, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) The claimant or claimant's representative shall have at least 180 days following receipt of a notification of an adverse claim determination to appeal;

Amend RSA 415-A:4-b, V(a)(3)-(5) as inserted by section 3 of the bill by replacing them with the following:

(3) A statement describing all other dispute resolution options available to the claimant, including, but not limited to other options for internal review and options for external review, and options for bringing a legal action;

(4) A statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claimant's claim for benefits;

(5) If an internal rule, guideline, protocol, or other similar criterion was relied upon in making the claim denial, either the specific rule, guideline, protocol, or other similar criterion; or a statement that such rule, guideline, protocol, or other similar criterion was relied upon in making the claim denial, and that a copy of the rule, guideline, protocol, or other similar criterion will be provided free of charge to the claimant upon request;

Amend the introductory paragraph of RSA 415-A:4-b, V(d) as inserted by section 3 of the bill by replacing it with the following:

(d) A carrier or other licensed entity that offers group health plans, employee benefit plans, or disability plans shall provide to consumers:

**SB 121, relative to the advisory committee on international trade. OUGHT TO PASS**

Rep. John B. Hunt for Commerce: SB 121 expands the membership of the advisory committee on international trade and adds new members including: a representative of the New Hampshire High Technology Council, a representative of the Software Association of New Hampshire, the director of the Manchester airport or designee, and one or more representatives of the business community. Vote 13-0.

**SB 139, relative to uniform electronic transactions. OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: Advances in computer hardware, software and communications over the last several years have created an opportunity to use computers to create, generate, sign, send, receive and store essentially any type of document or information in a secure manner. The purpose of SB 139 is to create greater efficiency by regulating the use of small electronic records with regard to business and governmental transactions. By adopting this legislation New Hampshire will be consistent with recent federal legislation on electronic signature and transactions. Passage of this bill also involves repealing RSA 294-D, RSA 506:8 and RSA 506:9 that are rendered obsolete by SB 139. The committee heard no opposition to this legislation. Vote 13-0.

**Amendment (1399h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Uniform Commercial Code; Article 9; Facsimile and Electronic Signatures; Filing and Recording in Electronic Form; Reference Change. Amend RSA 382-A:9-410(1) to read as follows:

(1) Any signature on any writing or filing authorized to be filed under this Article may be a facsimile, an electronic signature under RSA ~~[294-D:3]~~ **294-E:2, VIII**, or any other symbol made or adopted by a party with present intention to authenticate the writing or filing.

3 Repeal. The following are repealed:

I. RSA 294-D, relative to digital signatures.

II. RSA 506:8, relative to definitions of digital signatures.

III. RSA 506:9, relative to when digital signatures are given effect.

**SB 148, relative to certain penalties for violations of the youth tobacco laws. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill is an excellent piece of legislation directed at youth smoking. The amendment to Section 1 not only requires fines for the sale and distribution of cigarettes to minors, but also mandates that the vendor's license shall be revoked for a period of one year. This would also apply to giving free samples in Section 2. Section 3 clarifies a change made last year by stating that offenses shall be counted over a three-year period only. Section 4 applies to vending machines, and Section 5 sets up a committee to study the propriety of changing the issue of licenses by the Department of Revenue Administration to the Liquor Commission. The Liquor Commission already is the enforcement arm of government in the illegal sale of cigarettes. Since the intent of the bill was to clarify legislation that was passed last year, the amendment removes new language that the committee felt created more problems than it was intended to solve. Vote 12-0.

**Amendment (1284h)**

Amend the title of the bill by replacing it with the following:



AN ACT relative to certain penalties for violations of the youth tobacco laws and establishing a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

Amend the bill by replacing all after the enacting clause with the following:

I Sale and Distribution of Tobacco Products to Minors Prohibited; License Revocation. Amend RSA 126-K:4, II to read as follows:

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$ 750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license *for the business or business entity or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

2 Distribution of Free Samples of Tobacco Products to Minors; License Revocation. Amend RSA 126-K:5, III to read as follows:

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the sampler's license shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license *for the business or business entity or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

3 Youth Access to Tobacco Products; Special Provisions; Penalty Provisions Amended. Amend RSA 126-K:8, IV to read as follows:

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license for the business or business entity or any principal thereof for a period of one year from the date of revocation. *The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

4 Vending Machines; License Revocation. Amend RSA 78:12-d, VII to read as follows:

VII. Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than \$100 for a first offense and no more than \$200 for a second offense. For the third offense, the



commissioner shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commissioner shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commissioner shall revoke any license *for the business or business entity or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

5 Committee Established. There is established a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

6 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the senate president.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

7 Duties. The committee shall review the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission. The responsibilities reviewed shall include, but not be limited to, licensing tobacco manufacturers, wholesalers, subjobbers, vending machine operators, retailers and samplers and enforcing RSA 78:12-d relative to vending machines.

8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum

9 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

10 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2002.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill provides that sellers of tobacco products who are found guilty of selling to minors on more than 4 occasions shall have their licenses revoked for one year. The bill also establishes a committee to study the feasibility of transferring some of the responsibilities of the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

**SB 152-FN**, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. **OUGHT TO PASS**

Rep. John B. Hunt for Commerce: The bill makes technical corrections to the motor vehicle manufacturers, distributors and dealers law (RSA 357-C). These changes have been agreed to by all the parties, including the fees to fund the "Lemon Law" Board. Vote 11-0.

**SB 178**, establishing a committee to study the uniform computer information transactions act. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce: Since the Senate was unable to pass the original bill, they instead created a study committee. The purpose of the legislation was to create a model uniform law, but the original bill as written was far from a model act, and in fact, is a work in progress. The committee felt it was premature to create a study committee when there's nothing to study yet with much of the rest of the nation still in limbo in the area of computer information transactions. Vote 13-0.

**SB 181**, relative to the manufacture, sale, or installation of certain smoke detectors. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Belanger for Commerce: The committees felt that passage of this legislation would, in effect, ban smoke detectors and require the use of a particular detector with a 10- year lithium battery. This bill would create higher costs to consumers and may give consumers false confidence due to the fact Underwriter's Laboratory has not approved a 10-year battery for smoke detectors. Vote 11-1.

**SB 176-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond C. Cummings for Executive Departments and Administration: This bill sets up a restricted revenue account to which donations of money and equipment may be given to the division of personnel to purchase reasonably priced equipment which will help prospective employees to perform their jobs more efficiently and effectively. Passage may help avoid possible ADA complaints and could save the state considerable money in legal expenses. There is no state money required to set up the equipment depository. The amendment removes the cumbersome process of requiring all purchases to be approved by governor and council. Vote 16-0.

**Amendment (1330h)**

Amend RSA 21-I:44-e as inserted by section 1 of the bill by replacing it with the following:

21-I:44-e Equipment Depository. There is hereby established an equipment depository within the division of personnel. Moneys contained in the disabled persons' employment fund, established by RSA 21-I:44-f, shall be used to purchase adaptive equipment and accommodations to enable disabled persons to become gainfully employed by the state. The division shall determine the equipment or services, or both to be purchased. The purchases shall be limited to equipment and services which provide reasonable, and not extraordinary, accommodations to the needs of employees with disabilities, such as telephone adapters, adjustable desks, and other like equipment, or such other accommodations which permit employees with disabilities to perform their job tasks efficiently and effectively. The division shall have authority to reissue equipment returned to the depository and to dispose of any equipment that is no longer useful and to deposit any sale proceeds in the fund established by RSA 21-I:44-f.

**AMENDED ANALYSIS**

This bill establishes an equipment depository and disabled person's employment fund in the department of administrative services, for purposes of purchasing adaptive equipment or services, or both, for disabled persons. Both the equipment depository and the fund are repealed on June 30, 2006.

The bill is a request of the developmental disabilities council, health and human services.

**SB 192-FN**, relative to the issuance of high/medium voltage licenses by the electricians' board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill creates a specific license for persons who deal with power systems operating at or over 600 volts. This is a specialized segment within the electrical industry in which existing rules as to who can do this work are vague. The committee unanimously agreed with the senate that this type of license is needed because of the obvious safety concerns for the people of the State of New Hampshire. The amendment makes a small clarification in a definition in RSA 319-C:2, III-b. Vote 16-0.

**Amendment (1331h)**

Amend RSA 319-C:2, III-b as inserted by section 2 of the bill by replacing it with the following:

*III-b. "High/medium voltage electrician" means a person who, as a business, hires or employs another, as defined in administrative rules, to make electrical installations on high/medium voltage power distribution systems operating at over 600 volts, or without hiring another, makes electrical installations on high/medium voltage power distribution systems operating at over 600 volts, including associated controls and metering, as a principal or auxiliary business for their own account.*

**SB 48**, relative to the rental of shared living facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Phyllis L. Woods for Judiciary: This bill provides special remedies to owners of property who

rent a bedroom with other shared facilities to a tenant in their home while they are still living in the home. The committee felt that people in this unique position are more vulnerable and require protection from the possibility of abusive "houseguests" and they should be able to evict them from their home with more dispatch. Vote 15-0.

### **Amendment (1384h)**

Amend the bill by replacing all after section 2 with the following:

3 New Chapter; Rental of Shared Facilities. Amend RSA by inserting after chapter 540-A the following new chapter:

## **CHAPTER 540-B RENTAL OF SHARED FACILITIES**

### **540-B:1 Definition; Shared Facility.**

I. A "shared facility" means real property rented for residential purposes which has separate sleeping areas for each occupant and in which each occupant has access to and shares with the owner of the facility one or more significant portions of the facility in common, such as kitchen, dining area, bathroom, or bathing area, for which the occupant has no rented right of sole personal use.

II. A shared facility shall not include:

(a) Facilities rented to transient guests intended for use of less than 90 days.

(b) Rooms in hotels, motels, inns, tourist homes, and other dwellings rented for recreational or vacationing use.

(c) Rooms provided ancillary to other primary purposes such as jails, student dormitories, nursing homes, hospitals, group homes, and emergency shelters.

540-B:2 Nature of Tenancy. Every tenancy shall be deemed to be at will, and the rent payable as agreed, unless a written contract defines the terms of the tenancy differently. Except as otherwise provided, a verbal rental agreement shall be permitted.

### **540-B:3 Termination of Tenancy; Notice of Termination.**

I. The owner or agent of the owner of a shared facility may terminate any tenancy without stating any reason. A written 30-day notice of termination shall be required.

II. The owner or agent of the owner of a shared facility may terminate any tenancy for non-payment of rent. A written 7-day notice of termination shall be required.

III. The owner or agent of the owner of a shared facility may terminate any tenancy for damage to the premise, or behavior of the occupant or guest of any family member of the occupant which adversely affects the health or safety of the other occupants or the owner or the agent of the owner, or material breach of any rental agreement. A written 72-hour notice of termination shall be required.

540-B:4 Termination by Occupant. An occupant may terminate any at will tenancy by a written 30-day notice or in accordance with any notice requirement of a written rental agreement.

### **540-B:5 Service of Notice.**

I. The owner or agent of the owner of a shared facility shall give the notice of termination personally to the occupant or attach the notice to the primary entrance to the occupant's separated area.

II. The occupant shall give the notice of termination by the same method used to pay rent or in accordance with any written rental agreement.

540-B:6 Possessory Rights. The occupant shall have no possessory rights to any portion of a shared facility. The owner or agent of the owner may request law enforcement intervention for any behavior if such action is deemed necessary. The law enforcement officer shall not be precluded from any normal response based on the fact of the rental agreement.

540-B:7 Remedies. Violations of this chapter shall be subject to the remedies set forth in RSA 540-A:4.

540-B:8 Possession. The owner or agent of the owner of a shared facility may take possession of the separated areas used by the occupant at the end of the notice period. The owner or agent of the owner may request law enforcement intervention as necessary.

540-B:9 Personal Property. The owner or agent of the owner of a shared facility shall retain and exercise reasonable care in the storage of the personal property of the occupant who has vacated the premises for a period of 3 days after the date on which such occupant has vacated. After the 3-day period, the owner or agent of the owner of a shared facility may dispose of such property without notice to the occupant.

540-B:10 Security Deposit. The owner or agent of the owner of a shared facility may require a security deposit in an amount to be determined by the owner or agent of the owner. If the deposit



amount is more than the equivalent of 30 days rent, there shall be a written instrument acknowledging receipt and explaining where the deposit shall be maintained and when it shall be returned. If there is no written agreement, the deposit shall be returned within 20 days after the occupant has vacated.

4 Effective Date. This act shall take effect January 1, 2002.

### AMENDED ANALYSIS

This bill excludes shared facilities from RSA 540, relative to actions against tenants. It defines a shared facility as residential property in which the occupants have separate sleeping areas, but share with the owner one or more significant portions of the living space. The bill provides the rights and remedies available to owners and occupants of shared facilities.

**SB 75**, relative to physicians who make a report when a person is unfit to drive a motor vehicle. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: The mechanisms presently in place readily provide for reports of unfitness of a driver to be made to the Director of the Division of Motor Vehicles by family members and friends. According to the Director, these reports are investigated. Additionally, professionals such as physicians may file a report with the proper authorities if they perceive imminent harm to life and safety. The committee is of the opinion that the institution of the patient-physician privilege is a sacred one, which is necessary to ensure that the people of the state receive proper medical attention and treatment. Vote 13-0.

**SB 46**, relative to payments of scheduled awards under the workers' compensation law. **OUGHT TO PASS**

Rep. Raymond E. Trueman for Labor, Industrial and Rehabilitative Services: This bill provides for lump sum awards thus avoiding continuing administration cost in the disbursement of relatively small settlements. Generally, these awards are under \$30,000. Vote 12-0.

**SB 53**, relative to attorneys' fees in certain circumstances under the workers' compensation law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee felt that this bill addresses the problem of workers' compensation carriers challenging payment after lump sum settlements have been reached. Vote 11-0.

### Amendment (1373h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

**HB 517-L**, relative to supply of water by village districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kimberly O.M. Dionne for Municipal and County Government: This bill requires that the Public Utilities Commission hold public hearings concerning expansions of water district franchise areas and that if any changes of boundaries are indicated, those boundaries need to be ratified in the same manner as the initial establishment of the water district. This bill does not require a property owner to connect to the municipal water district if the owners water supply is in compliance with the protective well regulations in RSA 485:29 and RSA 485:30-b. Vote 11-1.

### Amendment (1177h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Village District Water Systems. Amend RSA 38 by inserting after section 25 the following new section:

38:25-a Village District Hearings. Prior to authorizing the expansion of a franchise area of a water company owned or operated by a water village district, the public utilities commission shall, after notice, hold a public hearing in each town or city in which the village district is located, at which it shall hear testimony and receive evidence from any interested party.

2 Changing Boundaries. Amend RSA 52:5 to read as follows:

52:5 Changing Boundaries.

*I.* The selectmen of towns in which any such district has been established upon petition, after notice to parties interested and a hearing, may change the boundaries thereof; and the district shall



cause the petition and the return of the selectmen's proceedings and decision thereon to be recorded in the records of the district, and of the towns in which it is situated, within 60 days after the decision.

**II.** In the case of any district formed for the purpose of impoundment of water, any such change of boundaries shall be ratified before taking effect by the voters residing in the district and in any area proposed to be added to the district in the same manner as is required for the initial establishment of the district.

**III.** *In the case of any district formed for the purpose of the supply of water for domestic and fire purposes, which may include the protection of sources of supply, any such change of boundaries shall be ratified before taking effect by the voters residing in the district and in any area proposed to be added to the district in the same manner as is required for the initial establishment of the district.*

3 New Paragraph; Water Companies, When Public Utilities. Amend RSA 362:4 by inserting after paragraph IV the following new paragraph:

**V.** *No property owner shall be required to connect to a municipal corporation furnishing water, provided such property owner can demonstrate the ability to comply with the requirements of RSA 485-A:29 and RSA 485-A:30-b.*

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill provides that the public utilities commission shall hold public hearings, concerning expansions of water district franchise areas, and that any change of boundaries be ratified in the same manner as the initial establishment of the district. This bill also allows a property owner to connect to municipal water supplies at his or her discretion.

**HB 522-L**, establishing discretionary preservation easements for preserving historic agricultural structures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: This bill allows a property owner to apply for a discretionary preservation easement of an historic agricultural structure such as a barn, which provides a demonstrated public benefit. A public hearing is required to be held by the governing body prior to the acceptance of the discretionary easement. The governing body may determine the reduced assessment to be between 25% to 75% of the full market value. The easement may be for a period of ten years and may be renewable upon application. Vote 11-0.

### Amendment (1267h)

Amend RSA 79-D:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Discretionary preservation easement" means a preservation easement of an historic agricultural structure, including the land necessary for the function of the building, granted to a city or town for a term of 10 or more years.

Amend RSA 79-D:4, II as inserted by section 1 of the bill by replacing it with the following:

II. No owner of an historic agricultural structure shall be entitled to have a particular structure classified for any tax year under the provisions of this chapter unless the owner has applied to the governing body on or before April 15 of the tax year on a form provided by the commissioner of the department of revenue administration. Such application shall include a map showing the location of the structure to be subject to the discretionary preservation easement, a description of how the property meets the tests of public benefit in RSA 79-D:3.

Amend RSA 79-D:5, I as inserted by section 1 of the bill by replacing it with the following:

I. If, after a duly noticed public hearing, the governing body finds that the proposed preservation of such historic agricultural structure is consistent with the purposes of this chapter, it may take steps to acquire discretionary preservation easement as provided in this chapter. In exercising its discretion, the local governing body may weigh the public benefit to be obtained versus the tax revenue to be lost if such an easement is granted. The governing body shall have no more than 60 days to act upon the application.

Amend RSA 79-D:7, II as inserted by section 1 of the bill by replacing it with the following:

II. The local governing body shall have the discretion to set the value of the discretionary preservation easement at a level within this range which it believes reflects the public benefit conferred by the property under the criteria set forth in RSA 79-D:3, II. The assessment shall not be increased because the owner undertakes maintenance and repairs designed to preserve the structure.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

**SB 149-FN**, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill will enable medical researchers at Dartmouth Medical School to continue ongoing medical research projects, including contact with individuals. The committee amendment provides that the New Hampshire Commissioner of Safety will set the terms and conditions for access to records and may charge reasonable fees for such access. This bill expands the definition of "person" with respect to motor vehicle records by including the personal representative of any person killed or injured in a motor vehicle accident. Vote 14-0.

#### Amendment (1394h)

Amend the title of the bill by replacing it with the following:

AN ACT changing the definition of "person" with respect to motor vehicle records and certification and permitting certain medical researchers access to motor vehicle records

Amend the bill by replacing all after the enacting clause with the following:

1 Administration of Motor Vehicle Laws; Records and Certification, Definition of Person. Amend RSA 260:14, I(b) to read as follows:

(b) "Person" means an individual, organization or entity, but shall not include this state or an agency thereof. *"Person" shall include the personal representative of any person injured or killed in the motor vehicle accident, including the person's conservator, executor, administrator, or next of kin as defined in RSA 259:66-a.*

2 Access to Motor Vehicle Records by Certain Medical Researchers. Notwithstanding any other provision of law, medical researchers who initiated a specific medical research project prior to August 20, 2000 and who require access to motor vehicle records under RSA 260:14 in order to complete the project, shall be entitled to the records under terms and conditions set by the commissioner of safety, which are consistent with RSA 260:14. The commissioner may also charge reasonable fees for such access, pursuant to RSA 260:14, XIII.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill expands the definition of "person" with respect to motor vehicle records by including the personal representative of any person killed or injured in a motor vehicle accident.

The bill also permits access to motor vehicle records for medical research projects initiated prior to August 20, 2000.

#### REGULAR CALENDAR

**SB 118**, relative to individual health insurance coverage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: Possibly the most important bill relative to individual health insurance is SB 118. The amendments to this very important legislation, in the view of the Commerce Committee, make a good bill better. For the very first time if SB 118 is adopted with amendments the General Court has made a serious effort to address the problems inherent with individuals ability to obtain health insurance. First of all the committee proposes amending the law so that insurance carriers can modify premiums for age, health status and tobacco. The maximum differential is 4-1 and shall not apply to individuals until they obtain the age of 19. The bill allows for a tobacco user to be rated up. The most dynamic change in the law is the creation of a high-risk pool. The premium must be affordable and coverage must be fairly comprehensive. The pool shall be funded through an assessment and if necessary a special assessment as well. Part 6 and the ensuing sections through Section 10 refer to the establishment of the pool, membership governance, administration and plan of operation. Section 11 requires an examination of the pool by the Insurance Commissioner on an annual basis. Such examinations shall cover the activities of the pool as well as the former risk sharing mechanism, premium development, enrollment, and expenses and paid and incurred losses. Section 15 establishes a study by the Commissioner to evaluate the effectiveness of the program as outlined. The study shall be completed within six months of when hard data becomes available. Section 16 is the original HB 697, the healthy kids bills that passed on a voice vote in the House and has now been tabled in the Senate. Last but not least is the purpose clause

for the healthy kids program - "The purpose of the cooperation is to provide access to affordable health care and health coverage and to facilitate programs, preventive health care services for low income, and venerable populations with a focus on the needs of children." Vote 13-0.

### Amendment (1385h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to individual health insurance coverage and extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. RSA 420-G:1, III is repealed and reenacted to read as follows:

III. To regulate underwriting and rating practices in the small employer and individual markets so as to promote access to affordable coverage for higher risk groups or individuals.

2 Ratio Changed. Amend RSA 420-G:4, I(a)(2) is repealed and reenacted to read as follows:

(2) Health carriers providing coverage to individuals may modify such average premium as established pursuant to subparagraph I(a)(1) for age, health status, and tobacco use only in accordance with the following limitations:

(A) The maximum premium differential for age as determined by ratio shall be 4 to 1. The limitation shall not apply for determining rates for an attained age of less than 19.

(B) The maximum differential due to health status shall be 1.5 to 1 and the maximum differential rate due to tobacco use shall be 1.2 to 1. Rate limitations based on health status do not apply to rate variations based on an insured's status as a tobacco user.

(C) Permissible rating characteristics shall not include changes in health status after issue.

3 Guaranteed Issue and Renewability. Amend RSA 420-G:6, III to read as follows:

III. Health carriers shall actively market, issue, and renew all of the health coverages they sell in the ~~[individual or]~~ small employer market~~[-]~~ to all ~~[individuals or]~~ small ~~[employees]~~ **employers**.

4 New Paragraph; Purpose of Chapter. Amend RSA 404-G:1 by inserting after paragraph II the following new paragraph:

III. Establish a high risk pool that will provide access to health insurance to all residents of the state who are denied health insurance for medical or health reasons. The premiums charged for coverage in the high risk pool shall be affordable and the coverage provided shall be reasonably comprehensive and comparable to coverage available outside of the high risk pool. It is the intent of the legislature that the high risk pool shall be adequately funded through an annual, and if necessary, a special assessment mechanism, that the high risk pool shall utilize cost containment measures, including, but not limited to, providing network based coverage, and that measures shall be taken to avoid inappropriate shifting of costs and risk to the high risk pool.

5 Definition; Covered Lives. Amend RSA 404-G:2, V to read as follows:

V. "Covered lives" shall include all persons living or working in New Hampshire for which a carrier provides health insurance evidenced by a policy or a group certificate issued in New Hampshire. For group excess loss insurance, or other types of group health insurance for which no certificates are issued, covered lives shall mean those New Hampshire employees and their dependents who are protected, in part, by a policy **or a certificate**, issued in New Hampshire, and purchased by a group health insurance plan subject to the Employee Retirement Income Security Act of 1974, Public Law No. 93-406 (ERISA).

6 New Paragraphs; Definitions Added. Amend RSA 404-G:2 by inserting after paragraph X the following new paragraphs:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism and the high risk pool, including articles, bylaws and operating rules, procedures and policies adopted by the association.

X-b. "Pool" means the New Hampshire health insurance high risk pool.

7 Association's Powers and Duties. RSA 404-G:3 is repealed and reenacted to read as follows:

404-G:3 Association's Powers and Duties.

I. The association shall be a not-for-profit, voluntary corporation under RSA 292 and shall possess all general powers as derive from that status and such additional powers and duties as are approved by the commissioner or as specified below.



II. The board of directors of the association shall have the following powers:

- (a) Enter into contracts as necessary or proper to administer the plan of operation.
- (b) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessments for, on behalf of, or against members of the association or other participating person.
- (c) Take legal action as necessary to avoid the payment of improper claims against the plan or to defend the coverage provided by or through the pool.
- (d) Oversee the issuance of policies of insurance and certificates or evidences of coverage.
- (e) Retain appropriate legal, actuarial, and other persons as necessary to provide technical assistance in the operation of the plan, policy development, and other contract design and in any other function within the authority of the plan.
- (f) Borrow money to carry out the plan of operation.
- (g) Provide for reinsurance of risks incurred.
- (h) Perform any other functions within the authority of the association as may be necessary or proper to carry out the plan of operation.

III. The board of directors of the association shall have the following duties:

- (a) Fulfill the plan of operation as approved by the commissioner.
- (b) Issue policies of insurance to persons eligible for the high risk pool.
- (c) Prepare certificate of eligibility forms and enrollment instruction forms.
- (d) Determine and collect assessments for the risk sharing mechanism and for the high risk pool.
- (e) Disburse assessment payments, as provided in the plan of operation for the high risk pool.
- (f) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agent referral fees, claim reserve formulas and any other actuarial functions appropriate to the plan of operation for the high risk pool.
- (g) Provide for and employ cost-containment measures and requirements, which shall include but not be limited to, preadmission screening, second surgical opinion, concurrent utilization review, and individual case management for the purpose of making the benefit plan more cost effective.
- (h) Develop a list of medical or health conditions the existence or history of which makes an individual eligible for participation in the high risk pool without first requiring application to a carrier for health coverage.
- (i) In connection with the managed care or network based coverage options required pursuant to RSA 404-G:5-b, III, design, utilize, contract or otherwise arrange for the delivery of cost-effective health care services, including establishing or contracting for administration and operation of the pool with a carrier, a preferred provider organizations, a health maintenance organizations, or any other network provider arrangement.

IV. Neither the association nor its employees shall be liable for any obligations of the plan. No member or employee of the association shall be liable, and no cause of action of any nature may arise against them, for any act or omission related to the performance of their powers and duties under this chapter unless such act or omission constitutes willful or wanton misconduct. The association may provide in its bylaws or rules for indemnification of, and legal representation for, its members and employees.

8 Association Membership and Governance. Amend RSA 404-G:4, II-VII to read as follows:

II. The initial board of directors of the association shall be the same as that set forth in the order. Except as provided in paragraph IV, each successor board shall consist of [5] 9 individuals who are representative of categories of members of the association, *health care providers, consumers who have purchased or are likely to purchase coverage from the pool, insurance brokers, small employers*, and the commissioner who shall be an ex-officio member. In the initial and in each successor board, [2] 3 directors shall be representative of and elected by qualified writers of group health insurance [and 3], 2 directors ~~shall be eligible to receive a subsidy under this chapter and~~ shall be representative of and elected by qualified writers of individual health insurance, *one director shall be representative of the health care provider community and shall be appointed by the commissioner, one director shall be representative of consumers covered through the high risk pool and shall be appointed by the commissioner, one director shall be a representative of insurance brokers and shall be appointed by the commissioner, and one director shall be a representative of small employers and shall be appointed by the commissioner.*

III. There shall be no more than one director representing any one qualified writer or its affiliate. For purposes of this section, the insurance activities of any elected director's affiliate shall be deemed to be insurance activities of the elected director.



IV. Qualified writers of individual or group health insurance shall be those that provide coverage for at least 500 covered lives or 5 percent of the total covered lives in the relevant market. A member's votes for individual or group market representatives shall be proportional to the member's assessment in that market.

V. If, at any board election subsequent to the establishment of the initial board, one or more elected group representatives are also ~~writing~~ *qualified* individual health insurance *writers*, then the membership of the board shall be altered by applying the provisions in subparagraphs (a) through (d) to such elected group representatives.

(a) If the elected group representative writing in the individual market is also an elected individual representative, then that member shall take a seat on the board as an individual representative and relinquish the group seat. The group writer with the next highest number of group votes shall take the relinquished group seat.

(b) If the elected group representative writing in the individual market is not also an elected individual representative, then up to 2 directors will be added to the board as follows:

(1) If the total size of the board-elect is ~~5 or 6~~ *9 or 10*, the elected group representative shall remain on the board, but neither as a group or an individual representative, and the group writer with the next highest number of group votes shall join the board as a group representative; but

(2) If the total size of the board-elect is ~~7~~ *11*, the elected group representative shall not remain on the board and the group writer with the next highest number of group votes shall take the relinquished group seat.

(c) The provisions in subparagraphs (a) and (b) shall be applied to elected group representatives in the order of the number of votes received.

(d) The seats added to the board pursuant to subparagraph (b) shall not survive the term of the seat-holder.

VI. Members of the board of directors shall be elected to terms of one year.

VII. The board of directors shall take action by affirmative vote ~~[of one less than the total number of directors]~~ *representing a simple majority of the entire board*.

9 Plan of Operation for the Risk Sharing Mechanism. RSA 404-G:5, II is repealed and reenacted to read as follows:

II. Subsidy determination for the risk sharing mechanism. For a given calendar year, the subsidy calculations for the risk sharing mechanism shall be based on the experience of the prior year. Only individual health insurance writers who are actively marketing individual health insurance, in accordance with the provisions of RSA 420-G, during the calendar year in which the subsidy is distributed shall be eligible for a subsidy. For companies that utilize health status factors, only individuals whose coverage is written at the maximum allowable health status factors under RSA 420-G and whose coverage was issued prior to July 1, 2002 shall be eligible for a subsidy. For companies that do not utilize varied health status factors, all individuals whose coverage is written under RSA 420-G and whose coverage was issued prior to July 1, 2002 shall be eligible for a subsidy. The subsidy determination process shall recognize and compensate writers based on the risk characteristics of coverage eligible for consideration in the subsidy relative to standards established by the association board. Nothing in this chapter shall preclude the commissioner from approving a subsidy mechanism that fully compensates individual health insurers for all costs incurred on subsidy-eligible coverages in excess of the premiums collected from subsidy-eligible coverages.

10 New Sections; High Risk Pool; Administrator; Premiums. Amend RSA 404-G by inserting after section 5 the following new sections:

404-G:5-a Plan of Operation for the High Risk Pool.

I. The board of directors for the association shall adopt a plan of operation for the high risk pool. The high risk pool shall be funded in part through an assessment mechanism whereby writers of health insurance contribute an amount sufficient to cover the expenses and losses of the pool not covered by premiums.

II. The plan of operation for the high risk pool shall establish:

- (a) Procedures for handling and accounting for the assets and moneys of the plan;
- (b) Procedures for selecting and retaining a pool administrator;
- (c) Procedures to establish and maintain public awareness of the plan, including its eligibility requirements and enrollment procedures;
- (d) Procedures to create a fund, under management of the board, for administrative expenses;

- (e) Procedures for handling, accounting and auditing of assets, moneys and claims of the pool;
- (f) Requirements for keeping financial and other records;
- (g) Regular times and places for meetings of the board; and
- (h) Procedures by which applicants and participants can submit utilization review

determinations and grievances to the pool administrator. The procedures shall ensure that utilization review determinations and grievances will be processed properly and in accordance with all statutory and regulatory requirements.

III. The assessment for the high risk pool shall be based on the number of covered lives times a specified assessment rate. The association shall specify the basis used to set the assessment rate.

IV. The association shall establish a regular assessment rate which shall be:

- (a) Calculated on a calendar year basis;
- (b) Established no later than November 1 in the year preceding the calendar year for which the carrier's experience shall be used to calculate the assessment; and
- (c) Anticipated to be sufficient to meet the high risk pool's funding needs.

V. In addition to the regular assessment rate, the association may establish a special assessment rate. Notwithstanding RSA 420-G:4, a writer of health insurance may increase the premiums charged by the amount of the special assessment. Any assessment may appear as a separate line item on a policyholder's bill.

(a) The association shall only establish a special assessment if the association determines that its funds are or will become insufficient to pay the high risk pool's expenses in a timely manner.

(b) The association shall only assess, through the special assessment, at a rate necessary to fund the deficiency ascertained in subparagraph (1) above.

VI. The regular assessment rate, and any special assessment rate, shall be subject to the approval of the commissioner. The commissioner shall approve the rate if she or he finds that the amount is required to fulfill the purposes of the high risk pool. For the purpose of making this determination, the commissioner may, at the expense of the association, seek independent actuarial certification of the need for the proposed rate.

VII. The association shall impose and collect assessments from its members.

VIII. If the assessment exceeds the amount actually needed, the excess shall be held and invested and, with the earnings and interest thereon, be used to offset future net losses.

IX. Each covered life should be included in the assessment only once. The association shall adopt procedures by which affiliated carriers calculate their assessment on an aggregate basis and procedures to ensure that no covered life is counted more than once.

X. The initial assessment rate to fund the high risk pool shall be 60 cents per covered life per month, and shall take effect on policies or certificates issued or renewed on or after July 1, 2001.

#### 404-G:5-b High Risk Pool.

I. There is hereby created the New Hampshire high risk pool. This pool shall operate subject to the supervision and control of the association and shall offer policies of insurance on or after July 1, 2002. The pool shall offer health care coverage consisting of 4 benefit plans, 2 of which shall be either managed care or network based plans.

II. The plans to be issued by the pool, including schedules of benefits, exclusions and other limitations shall be established by the association subject to the approval of the commissioner. In establishing the plans, the association shall take into consideration the levels of health insurance coverage provided in the state and medical economic factors as may be deemed appropriate and shall promulgate benefit levels, deductibles, coinsurance factors, exclusions and limitations determined to be generally reflective of and commensurate with comprehensive, major medical health insurance coverage provided in the state. The association shall, utilizing standard morbidity assumptions, annually place a value on all plans presently being written or issued in the individual market. The association shall average these values, weighed according to each plan's written premium volume, or some other suitable proxy, and utilizing the same standard morbidity assumptions, shall develop 2 coverage options: Option A and Option B.

III. The value of Option A developed by the association shall be 10 percent higher than the average value computed under paragraph II and the value of Option B shall be 10 percent lower than the average value computed under paragraph II. The association shall also provide either a managed care or network based version of Option A and a managed care version of Option B for a total of 4 plan choices.

IV. The insurance plans developed by the association shall comply with all applicable insurance laws and rules, except as provided herein.

V.(a) The pool shall be payer of last resort of benefits whenever any other benefit or source of third-party payment is available. The pool shall have a right of subrogation for any other health insurance coverage and by all hospital and medical expense benefits paid or payable under any workers' compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payables under or provided pursuant to any state or federal law or program.

(b) The pool shall have a cause of action against an eligible person for the recovery of the amount of benefits paid that are not for covered expenses. Benefits due from the plan may be reduced or applied as a set-off against any amount recoverable under this paragraph.

VI. The high risk pool shall be funded by premiums charged for coverage and by assessments which the association shall calculate based on the number of covered lives times a specified amount. The high risk pool shall not be funded with state general fund revenue. The high risk pool shall never cease writing policies to eligible individuals.

404-G:5-c High Risk Pool Administrator.

I. The board shall select a high risk pool administrator through a competitive bidding process to administer the pool. The board shall evaluate bids submitted based on criteria established by the board which shall include:

(a) The high risk pool administrator's proven ability to handle health insurance coverage to individuals;

(b) The efficiency and timeliness of the high risk pool administrator's claim processing procedures;

(c) An estimate of total charges for administering the pool;

(d) The high risk pool administrator's ability to apply effective cost containment programs and procedures and to administer the pool in a cost efficient manner; and

(e) The financial condition and stability of the high risk pool administrator.

II.(a) The high risk pool administrator shall serve for a period of at least 3 years and shall be subject to removal for cause; and

(b) At least one year prior to the expiration of each period of service by a high risk pool administrator, the association shall invite eligible entities, including the current high risk pool administrator to submit bids to serve as the high risk pool administrator. Selection of the high risk pool administrator for the succeeding period shall be made at least 6 months prior to the end of the current period.

III. The high risk pool administrator shall perform such functions relating to the plan as may be as assigned to it, including:

(a) The determination of eligibility;

(b) The payment of claims, the development of procedures to ensure that each claim is promptly paid;

(c) The establishment of a premium billing procedure for collection of premium from persons covered under the pool;

(d) The acceptance of payments of premiums from insureds;

(e) The development of procedures to ensure that medical utilization reviews and grievance determinations are conducted in a fair and timely manner and in accordance with all statutory and regulatory requirements; and

(f) Other necessary functions to assure timely payment of benefits to covered persons under the pool.

IV. The high risk pool administrator shall submit regular reports to the association and the commissioner regarding the operation of the pool. The frequency, content and form of the report shall be specified in the contract between the association and the high risk pool administrator.

V. Following the close of each calendar year, the high risk pool administrator shall determine net written and earned premiums, the expense of administration, and the paid and incurred losses for the year and report this information to the association and the commissioner on a form prescribed by the commissioner.

VI. The high risk pool administrator shall be paid as provided in the contract between the association and the high risk pool administrator.



VII. The association shall submit the contract between itself and the high risk pool administrator to the commissioner for approval.

VIII. The association may select more than one administrator for the high risk pool.

404-G:5-d Premiums.

I. Premiums charged for the policies issued by the plan shall be based on the standard risk rate calculated pursuant to paragraph II of this section.

II. The standard risk rate shall be calculated using the average rate, based on the lowest allowable health status factor, for health benefit plan or policies which are presently available in New Hampshire and adjusted for the difference in the actuarial value of the pool's plans relative to these available plans using the factors derived pursuant to RSA 404-G:5-a, II.

III. Premium rates for coverage under the plan may not be less than 125 percent and may not exceed 150 percent of the standard risk rate pursuant to paragraph II of this section. The association shall charge high risk pool enrollees a premium charge based on the average rate for the plan adjusted for the attained age of the high risk pool enrollee. The adjustment for attained age shall conform to the provisions of RSA 420-G.

IV. All premium rates and rate schedules shall be submitted to the commissioner for approval.

404-G:5-e Eligibility.

I. An individual who is a New Hampshire resident shall be eligible for coverage through the high risk pool if:

(a) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and the carrier has refused to write or issue that coverage to that individual because of his or her health or medical condition;

(b) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and such application has been accepted, but at a premium rate exceeding the rate available through the pool; or

(c) The individual has a history of any medical or health condition that is on a list adopted by the association.

II. The association shall promulgate a list of medical or health conditions for which a person shall be eligible for plan coverage without applying for health insurance coverage. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the association shall not be required to provide evidence of a notice of rejection or refusal. The list shall be effective on the first day of the operation of the pool and may be amended from time to time as may be appropriate.

III. Each resident dependent of a person who is eligible for pool coverage shall also be eligible for pool coverage. If the primary insured is a child, resident family members shall also be eligible for pool coverage.

IV. New Hampshire residents who are insured through an individual policy shall be eligible for pool coverage only if the rate assessed by the individual carrier exceeds the pool rate.

V. An individual shall not be eligible for coverage under the pool if:

(a) The individual is eligible for employer sponsored health coverage, including continuation of group coverage, as either an employee or an eligible dependent; or

(b) The individual is eligible for publicly funded health insurance coverage, including Medicare, Medicaid or Title XXI; or

(c) The person's premiums are paid for or reimbursed under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent thereof, of a government agency or health care provider.

VI. Coverage shall cease:

(a) On the date a person is no longer a resident of this state;

(b) On the date a person requests coverage to end;

(c) Upon the date a person dies;

(d) On the date state law requires cancellation of the policy; or

(e) At the option of the plan, 30 days after the plan makes any inquiry concerning the person's eligibility or place of residence to which the person does not reply.

404-G:5-f Application of Provisions of the Insurance Code.

I. The pool shall be subject to examination and regulation by the insurance department.

II. The following provisions of the title 37 shall apply to the pool to the extent applicable and not inconsistent with the express provisions of this chapter: RSA 415:5, 415:6, 415:6-a, 415:6-b,



415:6-c, 415:6-f, 415:6-g, 415:6-h, 415:7, 415:9 – 415:13, 415:22, 415:22-a, 415:22-b, 415:23, RSA 415-A, RSA 417, RSA 420-B:8, 420-B:8-b, 420-B:8-d, 420-B:8-e, 420-B:8-cc, 420-B:8-f, 420-B:8-ff, 420-B:8-g, 420-B:8-gg, 420-B:8-h, 420-B:8-i, 420-B:8-j, 420-B:8-k, 420-B:8-m, 420-B:11-12, RSA 420-C, RSA 420-E:4, RSA 420-G:7, 420-G:8, 420-G:11, RSA 420-H, RSA 420-I, and RSA 420-J:3. For the purposes of this chapter, the pool shall be deemed an insurer, pool coverage shall be deemed individual health insurance, and pool coverage contracts shall be deemed policies.

11 Examination and Annual Report. Amend RSA 404-G:7 to read as follows:

404-G:7 Examination and Annual Report. The association shall be subject to examination by the commissioner. The board of directors shall submit to the commissioner each year, not later than 120 days after the association's fiscal year, a financial report in a form approved by the commissioner and a report of its activities during the proceeding fiscal year. *The report shall summarize the activities of the risk sharing mechanism and the high risk pool in the preceding calendar year, including the net written and earned premiums, enrollment, the expense of administration, and the paid and incurred losses.* The association's fiscal year shall be the calendar year.

12 New Paragraphs; Notice to Residents; Unfair Referral to the Pool. Amend RSA 420-G:5 by inserting after paragraph III the following new paragraphs:

IV. Individual health insurance carriers shall be responsible for ascertaining the eligibility of any individual applicant or insured for high risk pool coverage. If a carrier determines that an individual meets any of the eligibility criteria set forth in RSA 404-G:5-e, the carrier shall give the individual written notice, with the declination of coverage, the coverage offering or upon a rate increase at renewal. The notice shall include information about available benefits and exclusions of high risk pool coverage and the name, address, and telephone number of the pool administrator or the administrator's designee.

V. It shall constitute an unfair trade practice under RSA 417 for an insurer, insurance producer, or third party administrator to refer an individual employee to the pool, or arrange for an individual employee to apply to the pool, for the purpose of separating that employee from group health insurance coverage provided in connection with the employee's employment.

13 Repeal. RSA 420-G:6, IV, relative to high risk pools, is repealed.

14 Emergency Rules. In the event that approvals required for the high risk pool have not been obtained by July 1, 2002, the commissioner of insurance may adopt emergency rules to establish a high risk pool.

15 New Section; Biannual Report Required. Amend RSA 404-G by inserting after section I the following new section:

404-G:1-a Study and Biannual Report. The commissioner shall evaluate the impact and effectiveness of RSA 404-G in effectuating the principles outlined in RSA 404-G:1, III. This review shall be based on data collected from carriers in the individual market and from the association, including but not limited to the following data elements: data on premiums and carrier profitability, carriers entering or exiting the market, products being sold, basis for high risk pool eligibility, and overall denial rate. The study shall be completed within 6 months of the availability of data on the first 2 years of operation of the high risk pool. Upon completion of the study, the commissioner shall make an initial report relative to the findings of the study to the governor, the president of the senate and the speaker of the house of representatives and shall make biannual reports to such persons thereafter.

16 Healthy Kids Subcommittee Reporting Date Extended. Amend 1999; 324:6, IV to read as follows:

IV. The subcommittee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 30, [2000] 2002.

17 Purpose and Scope of Healthy Kids Corporation Expanded. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established.

I. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state. [~~The corporation shall operate at no more than 5 pilot sites to~~

~~be designated by the corporation, which sites may include multiple school districts.] The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage for children under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.~~

*II. The purpose of the corporation is to provide access to affordable health care and health coverage and to facilitate programs of preventive health care services for low-income and vulnerable populations with a focus on the needs of children.*

18 Effective Date.

I. Sections 4-15 of this act shall take effect July 1, 2001.

II. Sections 1-3 of this act shall take effect on the first day that the board established in RSA 404-G has obtained all approvals for the high risk pool and policies of insurance are available through the high risk pool. The high risk pool shall not issue policies of insurance until July 1, 2002, until all approvals are obtained, or until the commissioner adopts emergency rules to establish a high risk pool, whichever comes last.

III. Section 16 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes the health insurance risk pool for the purposes of individual health insurance coverage.

This bill also updates the mission statement of the healthy kids corporation and extends the reporting date for the healthy kids subcommittee studying affordable health insurance options for low income, working adults.

Rep. Hunt inquired if the amendment was divisible regarding Sections 16 and 17.

The Speaker ruled that the amendment was divisible and that Sections 16 and 17 constituted a non-germane amendment requiring a two-thirds vote of the House for adoption.

The question being the adoption of Sections 16 and 17 of the amendment.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Rogers Johnson spoke against.

Rep. Leo Fraser spoke in favor.

On a division vote, 244 members having voted in the affirmative and 99 in the negative, Sections 16 and 17 of the amendment were adopted by the necessary two-thirds.

The question now being adoption of the remainder of the amendment.

Adopted.

Report adopted and ordered to third reading.

**SB 119, relative to small group health insurance coverage. OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: What is being presented to the House today is the result of a very long deliberative process by the House Commerce Committee. The committee adopted unanimously an amendment to the bill after seven hours of public hearings and several subcommittee meetings. Under the current RSA's we have community rating for small groups, i.e. groups of 100 or less. As a part of that entire group there is age banding (0-18, 19-24, etc and so forth up the ladder to age 65 and over). The committee determined it to be appropriate to eliminate from banding requirements the youngest group (0-18) as it was felt that this group in all likelihood could obtain insurance at a cost less than what would be required under the banding requirements. The amendment also establishes two open enrollment periods for small employers who are self-employed individuals. Currently such individuals can enroll at any time during the year. The rest of the bill, as adopted by the Senate, raised grave concerns about the effect of the provisions adopted by the Senate. First and foremost was the recommendation by the Senate to reduce the definition of small group size from 100 down to 50. Everyone on the committee was deeply concerned about exposing employers of groups between ages 51 and 100 to what in all likelihood would be strict underwriting requirements. Obviously the young and healthy groups would probably experience a rate reduction, however the older groups could possibly be the victims of premium rate shock. Beyond that of course

those groups between 51 and 100 could also be subject to being written out of the business if their experience was particularly bad as insurance carriers frequently engage in what is known as cherry-picking. Cherry picking is the practice of underwriting risks with good claims experience and then rating groups with poor experience at such high levels that they can't afford to purchase insurance. The committee is well aware of the fact that there are major financial problems both in the group market as well as the individual market. In substance, the committee believes that if the foregoing coupled with other recommendations contained in SB 119 were adopted by the House it would literally wreak havoc on many business owners who employ between 51 and 100 people as well as increase the amount of subscribers in the small group member who would probably also experience rate increases as the small group market would literally be cut in half. Vote 13-0.

### Amendment (1381h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Premium Rates for Small Employers. Amend RSA 420-G:4, I(a) by inserting after subparagraph (2) the following new subparagraph:

(3) Health carriers providing coverage to small employers under this chapter may modify such average premium as established pursuant to subparagraph I(a)(1) only in accordance with the following limitations:

(A) The maximum premium differential for age as determined by ratio shall be 3 to 1 beginning with age 19.

(B) Health carriers modifying such average premium for age may do so only by using the following age brackets:

0 - 18  
19 - 24  
25 - 29  
30 - 34  
35 - 39  
40 - 44  
45 - 49  
50 - 54  
55 - 59  
60 - 64  
65 +

(C) Carriers may use group size as a rating factor; however, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent.

2 Premium Rates. Amend RSA 420-G:4, I(d) to read as follows:

(d) ~~[The only other modification to be allowed in community rating will be that component of the administrative fees which reflects the cost of doing business with different group sizes.] The commissioner shall not approve any filing if such filing is excessive, inadequate or contrary to the intent of this chapter.~~

3 New Paragraph; Limited Open Enrollment; Certain Small Employers. Amend RSA 420-G:8 by inserting after paragraph I the following new paragraph:

I-a. Small employers who are self-employed individuals shall have 2 open enrollment periods that shall occur during the months of June and December of each calendar year. During these periods, health carriers shall make their plans available to these employers for effective dates beginning on the first day of the month following the open enrollment period. Self-employed individuals who seek coverage during other times of the year shall be treated as late enrollees.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill revises certain laws relative to small group health insurance.

Adopted.

Report adopted and ordered to third reading.

**HB 478**, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations.



## MOTION TO SPECIAL ORDER

Rep. Scanlan moved that **HB 478**, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations, be Special Ordered to the end of bills listed in today's calendar under the Election Law Committee.  
Adopted.

## REGULAR CALENDAR (CONT'D)

### **HB 722**, relative to town elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill would require a minimum number of write-in votes be received in order for a person to be elected in local races where there are no candidates on the ballot. The intent is to eliminate situations where people's names written in as a joke by friends and family end up winning a race with only 2 or 3 votes. Vote 9-8.

### Amendment (1328h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to town, village district, and school district elections.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Town Elections; Number of Write-In Votes Required. Amend RSA 669 by inserting after section 14 the following new section:

669:14-a Number of Write-In Votes Required.

I. In towns which have adopted an official ballot system, a person whose name was not printed on the ballot as a candidate for a specific office shall not be elected to that office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes.

II. If no person is elected to an office as a result of the restrictions in paragraph I, the office shall be filled in the same manner as vacancies occurring during the term of that office.

2 New Section; Village District Elections; Number of Write-In Votes Required. Amend RSA 670 by inserting after section 12 the following new section:

670:8-a Number of Write-In Votes Required.

I. In village districts which have adopted an official ballot system, a person whose name was not printed on the ballot as a candidate for a specific office shall not be elected to that office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes.

II. If no person is elected to an office as a result of the restrictions in paragraph I, the office shall be filled in the same manner as vacancies occurring during the term of that office.

3 New Section; School District Elections; Number of Write-In Votes Required. Amend RSA 671 by inserting after section 26-a the following new section:

671:26-b Number of Write-In Votes Required.

I. A person whose name was not printed on the ballot as a candidate for a specific office shall not be elected to that office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes.

II. If no person is elected to an office as a result of the restrictions in paragraph I, the office shall be filled in the same manner as vacancies occurring during the term of that office.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill provides that a person whose name was not printed on the ballot for a town, village district, or school district election shall not be entitled to any elective office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes. If a person is disqualified from a nomination for failure to receive the required minimum votes, the nomination shall be awarded to a qualified person chosen by the selectmen or other appropriate town officials, in the same manner as vacancies occurring during a term of town office are filled.

Adopted.

Report adopted and ordered to third reading.



**SB 19, establishing a committee to study prevention of voter fraud. OUGHT TO PASS**

Rep. Peter E. Bragdon for Election Law: This bill establishes a committee to study the prevention of voter fraud. The committee feels that voter confidence in the integrity of the election process is of great importance and a committee of this type would be beneficial. Vote 16-1.

Adopted and ordered to third reading.

**SB 95, relative to campaign contribution limits. OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Election Law: This bill was amended to reflect the four years of bipartisan work of the House Election Law Committee. The amendment does the following: 1) The bill removed the ability of the secretary of state's office or the attorney general's office through the publishing of a political calendar to supercede state statute. 2) It maintains the historical voluntary spending cap, while increasing the limits to reflect inflation and realistic campaign costs. 3) We leveled the playing field in accordance with the recent Supreme Court decisions between corporate and union donations. 4) Requires full disclosure of all contributions, and expenditures and requires additional filing dates of expenditures and receipts of candidates and campaigns prior to the primary and general elections. To allow voters full knowledge of where each candidate receives his/her money prior to casting his/her vote. Vote 13-4.

**Amendment (1341h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to campaign finance reporting requirements, political expenditure limitation amounts, and permissible campaign contributions by business organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 Political Calendar. Amend RSA 652:21 to read as follows:

652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. ~~[Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws.]~~ The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity ~~[expressly]~~ advocating the election or defeat of a clearly identified candidate which are *not* made ~~[without]~~ *in* cooperation or consultation *or conjunction or coordination* with any candidate, or any authorized committee or agent of such candidate, and which are not made in ~~[concert]~~ *coordination* with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

3 New Paragraphs; Political Expenditures and Contributions; Definitions; Segregated Accounts; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Segregated accounts" mean accounts funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

XIX. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

4 Political Expenditures and Contributions; Prohibited Political Contributions; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

1. By any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This shall not prohibit the establishment by a business organization of a political committee that operates independently of the business organization, provided that the committee's expenditures and contributions are made through a

separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the business organization. The provisions of this section shall not apply to sole proprietorships.

5 Political Expenditures and Contributions; Prohibited Political Contributions; Labor Unions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. *This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates independently of the labor union or group of labor unions, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the labor union or group of labor unions.*

6 Prohibited Political Contributions; General Limitations. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his *or her* own candidacy, or if in excess of [~~\$1,000~~] *\$1,500* in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or [~~his~~] *the candidate's* fiscal agent, a political committee or its treasurer, or not to any one of the same.

7 Political Expenditure Limitation Amounts; Amounts Increased. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

(a) [~~\$625,000~~] *\$750,000* in a state primary election.

(b) [~~\$625,000~~] *\$750,000* in a state general election.

I-a. For United States senator:

(a) [~~\$625,000~~] *\$750,000* in a state primary election.

(b) [~~\$625,000~~] *\$750,000* in a state general election.

II. For representative to Congress:

(a) [~~\$350,000~~] *\$500,000* in a state primary election.

(b) [~~\$350,000~~] *\$500,000* in a state general election.

III. For executive council:

(a) [~~\$50,000~~] *\$60,000* in a state primary election.

(b) [~~\$50,000~~] *\$60,000* in a state general election.

IV. For state senate:

(a) [~~\$20,000~~] *\$40,000* in a state primary election.

(b) [~~\$20,000~~] *\$40,000* in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) [~~\$-50~~] *\$1* per registered voter in the district or the county in a state primary election.

(b) [~~\$-50~~] *\$1* per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate's behalf by the candidate's committee or committees, the candidate's party, and the candidate's immediate family. For candidates for governor, United States senator, representative to Congress, state representative, and executive council, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

8 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6 and 664:7 are repealed and reenacted to read as follows:  
664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of primary election. No more than one report to the secretary of state shall be required within a 24-hour period.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements, if any, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesday one week after the primary election; the Wednesdays 4 weeks, 2 weeks, and immediately preceding the general election; and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of the general election. No more than one report to the secretary of state shall be required within a 24-hour period.

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500, the committee shall file a statement at the next reporting deadline.

VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. In addition to the itemized statements required by paragraphs I-VI of this section, any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and



thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

IX. Any national political committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

X. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

#### 664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. Any candidate who files expenditure reports pursuant to the provisions of this paragraph, and who pays more than \$5,000 to any person who makes expenditures on behalf of the candidate, shall file an itemized account of the expenditures made by the person on behalf of the candidate in the expenditure report filed on the Wednesday preceding the primary or general election.

II. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

9 New Sections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b.

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding \$50 shall include disclosure information. The disclosure information shall include the name; home or post office address; employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XIX, shall be reported in similar detail on forms or other means prescribed by the secretary of state.



## 664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the official Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

10 Examination of Statements of Receipts and Expenditures. Amend RSA 664:19 to read as follows:

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to *obtain and* examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

11 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

12 Effective Date. This act shall take effect January 1, 2002.

## AMENDED ANALYSIS

This bill:

I. Defines segregated accounts and coordinated expenditures and changes the definition of independent expenditure.

II. Modifies the reporting requirements for political committees and candidates and defines the content of mandatory campaign finance disclosure reports.

III. Increases the political expenditure limitation amounts.

IV. Creates an exception to the prohibition on political contributions by business organizations through the use of segregated accounts for voluntary contributions by members of the business organization.

Rep. Kennedy inquired if the amendment was divisible regarding Sections 4 and 5.

The Speaker ruled that the amendment was divisible and, without objection, ordered Sections 4 and 5 to be considered.

The question being the adoption of Sections 4 and 5 of the committee amendment.

Rep. Kennedy spoke against and yielded to questions.

Rep. Giuda spoke against.

Rep. Clegg spoke in favor and yielded to questions.

On a division vote, 298 members having voted in the affirmative and 53 in the negative, Sections 4 and 5 of the amendment were adopted.

The remainder of the amendment was adopted.

Rep. DiFruscia offered a floor amendment (1485h).

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 14:

**Floor Amendment (1485h)**

12 New Section; Reporting of Expenditures and Contributions to Candidates for Legislatively-Elected Office Required. Amend RSA 664 by inserting after section 7-c the following new section: 664:7-d Reporting by Candidates for Legislatively-Elected Office.

I. In this section, "legislatively-elected office" means secretary of state, treasurer, speaker of the house of representatives, senate president, house clerk, senate clerk, house sergeant at arms, and senate sergeant at arms.

II. Each candidate seeking election for legislatively-elected office shall:

(a) File statements before and after such election in like manner and detail prescribed in RSA 664:6, II-IV, except that the date of the respective election, rather than the date of the primary or general election, shall determine the dates of such statements; and

(b) Register as a political committee, pursuant to RSA 664:3, on the date that such person becomes a candidate for legislatively-elected office, notwithstanding the definition of the term "political committee" in RSA 664:2, III.

III. In this section, and notwithstanding RSA 664:2, II, the term “candidate” means a person who seeks nomination for election, or election, for legislatively-elected office, and for purposes of this section, a person shall be deemed to seek nomination for election, or election if such person:

- (a) Has received gifts or contributions for such purposes; or
- (b) Has given his or her consent to another person to receive gifts or contributions or make expenditures on behalf of such person and if such other person has received such gifts or contributions for such purposes.

IV. No candidate shall be entitled to legislatively-elected office until the sworn itemized statements required to be filed by the candidate or on the candidate’s behalf have been filed as required by this section.

13 Itemized Statements Filed by Facsimile Transmission; Reference Added. Amend RSA 664:9-a to read as follows:

664:9-a Itemized Statements Filed by Facsimile Transmission. The sworn itemized statements required to be filed by a political committee or a candidate or on [his] *the candidate’s* behalf as required by RSA 664:6, [and] 664:7, *and 664:7-d* may be filed by means of a facsimile transmission; provided, however, that a statement which is transmitted electronically or telephonically by a facsimile device shall also be filed by a political committee or a candidate or on [his] *the candidate’s* behalf not later than the last day of each filing period under RSA 664:6, [and] 664:7, *and 664:7-d* if a facsimile transmission is used.

AMENDED ANALYSIS

This bill:

I. Defines segregated accounts and coordinated expenditures and changes the definition of independent expenditure.

II. Modifies the reporting requirements for political committees and candidates and defines the content of mandatory campaign finance disclosure reports.

III. Increases the political expenditure limitation amounts.

IV. Creates an exception to the prohibition on political contributions by business organizations through the use of segregated accounts for voluntary contributions by members of the business organization.

V. Requires all candidates for secretary of state, treasurer, speaker of the house of representatives, senate president, house clerk, senate clerk, house sergeant at arms, and senate sergeant at arms to file certain reports and register as political committees.

Rep. DiFruscia spoke in favor and yielded to questions.

Rep. Arndt spoke against.

Rep. Burling spoke in favor.

Rep. Giuda requested a roll call; sufficiently seconded.

The question being adoption of the floor amendment (1485h).

YEAS 109 NAYS 244

YEAS 109

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Wendelboe, Fran
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CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Sullivan, P Judith
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CHESHIRE

Avery, Stephen	Dexter, Judson	Liebl, George	Manning, Joseph
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COOS

Davis, Perley	Gallus, John	Pratt, Leighton	Stohl, Eric
Woodward, David			

GRAFTON

Alger, John	Cobb, John	Giuda, Robert	Ham, Bonnie
Mirski, Paul	Solow, Martha	Williams, Burton	

**HILLSBOROUGH**

Balboni, Michael  
Buckley, Raymond  
Drisko, Richard  
Ford, Nancy  
Goulet, Maurice  
Holden, Randolph  
Leach, Edward  
O'Connell, Timothy  
Thompson, Rob

Balcom, John  
Christiansen, Lars  
Eaton, Richard  
Gleneck, David  
Graham, John  
Hopper, Gary  
McHugh, Claire  
Seibel, Christopher  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Clegg, Robert Jr  
Fletcher, Richard  
Golding, William  
Hall, Charles  
Jean, Loren  
McRae, Karen  
Souza, Kathleen

Bouldin, Michael  
Dokmo, Cynthia  
Flora, Kathleen  
Gonzalez, Carlos  
Herman, Keith  
LaFlamme, Paul  
Moran, Edward  
Tate, Joan

**MERRIMACK**

Brewster, Richard  
Hess, David  
Swindlehurst, John

Colcord, J D  
Kennedy, Richard  
Whalley, Michael

Davis, Frank  
Langer, Ray  
Winter, Steven

Dunne, Christopher  
Soltani, Tony

**ROCKINGHAM**

Bishop, Franklin  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Bob  
Hutchinson, Karen  
McGuire, Robert  
Putnam, Ed II  
Saia, Pamela  
Woekel, Ralph

Camm, Kevin  
Corbin, Corey  
Dodge, Robert  
Flanagan, Natalie  
Itse, Daniel  
Moore, Benjamin  
Quandt, Marshall  
Sapareto, Frank  
Zolla, William

Carson, Sharon  
Cox, Russell  
Dowling, Patricia  
Gilbert, Karl  
Kelley, William  
Nowe, Ronald  
Quandt, Matthew  
Weyler, Kenneth

Case, Margaret  
Dearborn, Bruce  
Downing, Michael  
Hill, Jonathan  
Langley, Jane  
Palermo, Diane  
Robertson, Carl  
Whittier, John

**STRAFFORD**

Albert, Russell  
Harrington, Michael

Bickford, David  
Heon, Richard

Brown, Julie  
Woods, Phyllis

Dunlap, Patricia

None

**SULLIVAN****NAYS 244****BELKNAP**

Czech, Stanley  
Lawton, David  
Rice, Thomas Jr  
Wood, Jane

Flanders, Donald  
Millham, Aida  
Rosen, Ralph

Holbrook, Robert  
Nedeau, Stephen  
Russell, David

Johnson, William  
Pilliod, James  
Thomas, John

**CARROLL**

Bradley, Jeb  
Philbrick, Donald

Lyman, L Randy  
Quimby, Lee

Mock, Henry  
Stevens, Stanley

Patten, Betsey  
Torresen, Gary

**CHESHIRE**

Allen, Peter  
Emerson, Susan  
Meader, David  
Roberts, William  
Zerba, Roger

Batchelder, Robert  
Espieffs, Peter  
Mitchell, McKim  
Royce, H Charles

Burnham, Daniel  
Hunt, John  
Pratt, John  
Smith, Edwin

Edwards, Dana  
McGuirk, Paul  
Richardson, Barbara  
Weed, Charles

**COOS**

Bradley, Paula  
Mears, Edgar

Guay, Lawrence  
Rodrigue, Robert

Horton, Lynn  
Rozek, Michael

Landers, Dana  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Cooney, Mary

Almy, Susan  
Eaton, Stephanie

Barker, Robert  
Gabler, William

Benn, Bernard  
Gilman, G Michael

Lovett, Sid  
Pawlek, Marion  
Sova, Charles

Marshall, Gene  
Scanlan, David  
Teschner, Douglass

Naro, Debra  
Scovner, Nancy  
Ward, Brien

Nordgren, Sharon  
Sokol, Hilda

### HILLSBOROUGH

Alukonis, David  
Baroody, Benjamin  
Bragdon, Peter  
Chabot, Robert  
Cote, Peter  
Desrosiers, William  
Dwyer, Paul  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
Kurk, Neal  
Lefebvre, Roland  
Martin, Mary Ellen  
Milligan, Robert  
Peterson, Andrew  
Schulze, Joan  
Thulander, O Alan  
Williams, Carol

Andosca, Mary  
Batula, Peter  
Brundige, Robert  
Clayton, William  
Coughlin, Pamela  
Dionne, Kimberley  
Dyer, Merton  
Furman, Christine  
Greenberg, Gary  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
Melcher, Harold  
Movsesian, Lori  
Reeves, Sandra  
Spiess, Paul  
Wheeler, Robert

Arnold, Thomas Jr  
Bellavance, Paul  
Bruno, Pierre  
Clemons, Jane  
Craig, James  
Drabinowicz, A Theresa  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Guinta, Frank  
Keye, Harvey  
LaRose, Richard  
Lessard, Rudy  
Mercer, Robert  
Palangas, Eric  
Rowe, Robert  
Sweeney, Cynthia  
White, Donald

Artz, Lawrence  
Bouchard, David  
Calawa, Leon Jr  
Cote, David  
Daigle, Robert  
Duval, Jeffrey  
Fields, Dennis  
Goley, Jeffrey  
Hall, Betty  
Konys, Christine  
Lasky, Bette  
Lynde, Harold  
Messier, Irene  
Panagopoulos, Nicholas  
Sargent, Maxwell  
Tahir, Saghir  
White, John

### MERRIMACK

Anderson, Eric  
Cummings, Raymond  
French, Barbara  
Jacobson, Alf  
MacKay, James  
Perkins, Randy  
Rodd, Beth  
Whittemore, James

Bouchard, Candace  
Daneault, Gabriel  
Gile, Mary  
L'Heureux, Stephen  
Maxfield, Roy  
Potter, Frances  
Rush, Deanna  
Yeaton, Charles

Clarke, Claire  
Feuerstein, Martin  
Greco, Vincent  
Leber, William  
Moore, Carol  
Poulin, David  
Seldin, Gloria

Crosby, Toni  
Fraser, Leo Jr  
Hutchinson, John  
Lockwood, Priscilla  
Owen, Derek  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
Gilbert, Jeffrey  
Hamel, Albert  
Johnson, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Stritch, C Donald

Belanger, Ronald  
Chalbeck, Kevin  
Dalrymple, Janeen  
Giordano, Ronald  
Henderson, Warren  
Johnson, Rogers  
Kobel, Rudolph  
Micklon, Stephanie  
Pantelakos, Laura  
Ruffner, Walter  
Trueman, Raymond

Blanchard, MaryAnn  
Clark, Martha Fuller  
Flanders, John Sr  
Gleason, John  
Holland, James Jr  
Kane, Cecelia  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Sloan, Stephen  
Varrell, Thomas

Bowles, Raimond  
Coes, Betsy  
Francoeur, Sheila  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Norelli, Terie  
Priestley, Anne  
Stone, Joseph  
Welch, David

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hughes, Christopher  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Johnson, Nancy  
Proulx, Raymond  
Snyder, Clair  
Woodill, Rodney

Callaghan, Frank  
Ferland, Paul  
Knowles, William  
Reid, Christopher  
Spang, Judith

Cossette, Larry  
Grassie, Anne  
Musler, George  
Rollo, Michael  
Twombly, James



## SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Jones, Constance  
 Robb, Amy

Burling, Peter  
 Franklin, Peter  
 Leone, Richard  
 Rodeschin, Beverly

Cloutier, John  
 Harris, Joseph  
 Odell, Bob

Ferland, Brenda  
 Harris, Sandra  
 Phinizy, James

and the floor amendment failed.

Report adopted and ordered to third reading.

Rep. Elliott declared a conflict of interest and did not participate.

## SPECIAL ORDER

**HB 478**, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Election Law: HB 478, as amended, is a result of four years of bi-partisan campaign finance reform work. The House has passed this bill three consecutive times, only to have the senate kill the bill in committee of conference. The amendment before the House is an accumulation of all the concerns expressed by the senate, the secretary of state and the attorney general's office during the last committee of conference. 1) The bill removed the ability of the secretary of state's office or the attorney general's office through he publishing of a political calendar to supercede state statute. 2) It maintains the historical voluntary spending cap, while increasing the limits to reflect inflation and realistic campaign costs. 3) We leveled the playing field in accordance with the recent Supreme Court decisions between corporate and union donations. 4) Requires full disclosure of all contributions, and expenditures and requires additional filing dates of expenditures and receipts of candidates and campaigns prior to the primary and general elections. To allow voters full knowledge of where each candidate receives his/her money prior to casting his/her vote. Vote 14-4.

## Amendment (1236h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to campaign finance reporting requirements, political expenditure limitation amounts, and permissible campaign contributions by business organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 Political Calendar. Amend RSA 652:21 to read as follows:

652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. ~~[Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws.]~~ The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity ~~[expressly]~~ advocating the election or defeat of a clearly identified candidate which are *not* made ~~[without]~~ *in cooperation or consultation or conjunction or coordination* with any candidate, or any authorized committee or agent of such candidate, and which are not made in ~~[concert]~~ *coordination* with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

3 New Paragraphs; Political Expenditures and Contributions; Definitions; Segregated Accounts; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Segregated accounts" mean accounts funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

XIX. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

4 Political Expenditures and Contributions; Prohibited Political Contributions; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

I. By any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This shall not prohibit the establishment by a business organization of a political committee that operates independently of the business organization, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the business organization. The provisions of this section shall not apply to sole proprietorships.

5 Political Expenditures and Contributions; Prohibited Political Contributions; Labor Unions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. *This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates independently of the labor union or group of labor unions, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the labor union or group of labor unions.*

6 Prohibited Political Contributions; General Limitations. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his or her own candidacy, or if in excess of [~~\$1,000~~] **\$1,500** in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or ~~his~~ **the candidate's** fiscal agent, a political committee or its treasurer, or not to any one of the same.

7 Political Expenditure Limitation Amounts; Amounts Increased. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

(a) [~~\$625,000~~] **\$750,000** in a state primary election.

(b) [~~\$625,000~~] **\$750,000** in a state general election.

I-a. For United States senator:

(a) [~~\$625,000~~] **\$750,000** in a state primary election.

(b) [~~\$625,000~~] **\$750,000** in a state general election.

II. For representative to Congress:

(a) [~~\$350,000~~] **\$500,000** in a state primary election.

(b) [~~\$350,000~~] **\$500,000** in a state general election.

III. For executive council:

(a) [~~\$50,000~~] **\$60,000** in a state primary election.

(b) [~~\$50,000~~] **\$60,000** in a state general election.

IV. For state senate:

(a) [~~\$20,000~~] **\$40,000** in a state primary election.

(b) [~~\$20,000~~] **\$40,000** in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) [~~\$-.50~~] **\$1** per registered voter in the district or the county in a state primary election.

(b) [~~\$-.50~~] **\$1** per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate's behalf by the candidate's committee or committees, the candidate's party, and the candidate's immediate family. For candidates for governor, United States senator, representative to Congress, state senate, state representative, and executive council, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

8 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6 and 664:7 are repealed and reenacted to read as follows:  
664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of primary election. No more than one report to the secretary of state shall be required within a 24-hour period.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements, if any, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesday one week after the primary election; the Wednesdays 4 weeks, 2 weeks, and immediately preceding the general election; and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of the general election. No more than one report to the secretary of state shall be required within a 24-hour period.

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500, the committee shall file a statement at the next reporting deadline.



VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. In addition to the itemized statements required by paragraphs I-VI of this section, any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

IX. Any national political committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

X. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

#### 664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. Any candidate who files expenditure reports pursuant to the provisions of this paragraph, and who pays more than \$5,000 to any person who makes expenditures on behalf of the candidate, shall file an itemized account of the expenditures made by the person on behalf of the candidate in the expenditure report filed on the Wednesday preceding the primary or general election.

II. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

9 New Sections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b.

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for



each contribution exceeding \$50 shall include disclosure information. The disclosure information shall include the name; home or post office address; employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XIX, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the official Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

10 Examination of Statements of Receipts and Expenditures. Amend RSA 664:19 to read as follows:

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to *obtain and* examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

11 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

12 Effective Date. This act shall take effect January 1, 2002.

#### AMENDED ANALYSIS

This bill:

I. Defines segregated accounts and coordinated expenditures and changes the definition of independent expenditure.

II. Modifies the reporting requirements for political committees and candidates and defines the content of mandatory campaign finance disclosure reports.

III. Increases the political expenditure limitation amounts.

IV. Creates an exception to the prohibition on political contributions by business organizations through the use of segregated accounts for voluntary contributions by members of the business organization.

#### LAI'D ON THE TABLE

Rep. Rollo moved that **HB 478**, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations, be laid on the table.

Adopted.

#### REGULAR CALENDAR (CONT'D)

**SB 174-FN-A**, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services. **OUGHT TO PASS**

Rep. Donald R. Lent for Executive Departments and Administration: Currently, under RSA 98-A-6-b, part-time employees involved in the care of persons in the state mental health system, the department of health and human services, the state prison, and other crucial round the clock services are eligible for holiday pay for work on certain holidays. The list includes Memorial Day, Labor Day, Veteran's Day and New Years Day. This bill adds Martin Luther King, Jr. Civil Rights Day to the list. In addition, part-time employees of the department of youth development services are given eligibility for holiday pay for the same holidays. The law requires that such employees shall be required to work the scheduled day before the scheduled day after such holidays. Vote 13-5.

Rep. Weed requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

**YEAS 190****BELKNAP**

Flanders, Donald	Johnson, William	Wood, Jane
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**CARROLL**

Bradley, Jeb	Kenney, Joseph	Quimby, Lee
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Espiefs, Peter	Hunt, John	Liebl, George	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Weed, Charles	Zerba, Roger	

**COOS**

Bradley, Paula	Guay, Lawrence	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert		

**GRAFTON**

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cobb, John	Cooney, Mary	Ham, Bonnie	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scanlan, David
Scovner, Nancy	Sokol, Hilda	Solow, Martha	Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David	Andosca, Mary	Balcom, John	Baroody, Benjamin
Bellavance, Paul	Bouldin, Michael	Bragdon, Peter	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Craig, James
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis	Flora, Kathleen
Ford, Nancy	Foster, Linda	Gargas, Carolyn	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Guinta, Frank
Hall, Betty	Holden, Randolph	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	L'Heureux, Robert	LaRose, Richard
Lasky, Bette	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
Melcher, Harold	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell	Schulze, Joan
Spies, Paul	Sweeney, Cynthia	Tate, Joan	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Cummings, Raymond
Daneault, Gabriel	Davis, Frank	Fraser, Leo Jr	French, Barbara
Gile, Mary	Greco, Vincent	Jacobson, Alf	L'Heureux, Stephen
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Poulin, David
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Arndt, Janet	Blanchard, MaryAnn	Bowles, Raimond	Bridle, Russell
Clark, Martha Fuller	Coes, Betsy	Cooney, Richard	Corbin, Corey
Dowling, Patricia	Downing, Michael	Francoeur, Sheila	Gilbert, Jeffrey
Giordano, Ronald	Gleason, John	Griffin, Mary	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura
Power, Lucille	Priestley, Anne	Robertson, Carl	Sloan, Stephen
Stritch, C Donald	Woekel, Ralph	Zolla, William	

**STRAFFORD**

Berube, Roger  
Estabrook, Iris  
Hughes, Christopher  
Proulx, Raymond  
Snyder, Clair

Bickford, David  
Ferland, Paul  
Johnson, Nancy  
Reid, Christopher  
Spang, Judith

Brennan, William  
Grassie, Anne  
Knowles, William  
Rollo, Michael  
Wall, Janet

DeChane, Marlene  
Heon, Richard  
Pelletier, Arthur  
Smith, Marjorie  
Woodill, Rodney

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Robb, Amy

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Phinizy, James

**NAYS 160****BELKNAP**

Bartlett, Gordon  
Lawton, David  
Rice, Thomas Jr  
Wendelboe, Fran

Boyce, Laurie  
Millham, Alida  
Rosen, Ralph

Czech, Stanley  
Nedeau, Stephen  
Russell, David

Holbrook, Robert  
Pilliod, James  
Thomas, John

**CARROLL**

Babson, David Jr  
Patten, Betsey  
Torresen, Gary

Dickinson, Howard  
Philbrick, Donald

Lyman, L Randy  
Stevens, Stanley

Mock, Henry  
Sullivan, P Judith

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Edwards, Dana  
Smith, Edwin

Emerson, Susan

Roberts, William

**COOS**

Davis, Perley  
Stohl, Eric

Gallus, John  
Tholl, John Jr

Pratt, Leighton  
Woodward, David

Rozek, Michael

**GRAFTON**

Alger, John  
Giuda, Robert  
Ward, Brien

Eaton, Stephanie  
Marshall, Gene  
Williams, Burton

Gabler, William  
Mirski, Paul

Gilman, G Michael  
Sova, Charles

**HILLSBOROUGH**

Arnold, Thomas Jr  
Bouchard, David  
Chabot, Robert  
Coughlin, Pamela  
Furman, Christine  
Greenberg, Gary  
Jean, Loren  
Lefebvre, Roland  
Mercer, Robert  
O'Connell, Timothy  
Tahir, Saghir  
Wheeler, Robert

Artz, Lawrence  
Brundige, Robert  
Christiansen, Lars  
Dionne, Kimberley  
Gleneck, David  
Hall, Charles  
Kurk, Neal  
Lessard, Rudy  
Messier, Irene  
Rowe, Robert  
Thompson, Rob  
White, Donald

Balboni, Michael  
Bruno, Pierre  
Clegg, Robert Jr  
Elliott, Larry  
Gonzalez, Carlos  
Herman, Keith  
LaFlamme, Paul  
McHugh, Claire  
Milligan, Robert  
Seibel, Christopher  
Thulander, O Alan

Bergeron, Jean-Guy  
Calawa, Leon Jr  
Cote, Peter  
Fletcher, Richard  
Goulet, Maurice  
Hopper, Gary  
Leach, Edward  
McRae, Karen  
Moran, Edward  
Souza, Kathleen  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Langer, Ray  
Whalley, Michael

Brewster, Richard  
Hess, David  
Leber, William  
Whittemore, James

Colcord, J D  
Hutchinson, John  
Soltani, Tony  
Winter, Steven

Dunne, Christopher  
Kennedy, Richard  
Swindlehurst, John

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Camm, Kevin	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Vivian	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Gilbert, Karl
Hamel, Albert	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kelley, William	Langley, Jane	Letourneau, Robert	Major, Norman
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Ruffner, Walter	Saia, Pamela	Sapareto, Frank	Stone, Joseph
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John

**STRAFFORD**

Albert, Russell	Brown, Julie	Callaghan, Frank	Cossette, Larry
Dunlap, Patricia	Harrington, Michael	Musler, George	Twombly, James
Woods, Phyllis			

**SULLIVAN**

Rodeschin, Beverly

and the report was adopted and ordered to third reading.

**HB 207-FN-L**, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill is one of the recommendations of the Septage Task Force established in 1998 because of concerns that municipalities are not meeting their responsibilities pertaining to providing septage disposal per RSA 485-A:5-b. The bill simply permits the Department of Environmental Services to widen use of existing state funds in 2002-2003 to include municipal wastewater treatment projects, which increase capacity for septage handling. It increases the state's share of the project cost from 20% to 30% and adds further financial incentives if the proposed project's increased capacity will also serve other communities' septage disposal requirements. There are no new dollars appropriated in 2002-2003 in this legislation. Vote 20-0. Adopted and ordered to third reading.

**SUSPENSION OF RULES**

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit reporting after the deadline and consideration at the present time of **HB 253-FN**, relative to mercury reductions. Adopted by the necessary two-thirds.

**HB 253-FN**, relative to mercury reductions. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill establishes a state grant program to reimburse those New Hampshire communities for the costs associated with the earlier implementation date required by this bill. The fiscal note estimates those costs as up to \$75,900 in FY 2004 and FY 2005 and \$37,950 in FY 2006. The state grant program would cease after federal regulations require compliance anyway. Vote 19-2.

Rep. Phinizy offered a floor amendment (1319h).

**Floor Amendment (1319h)**

Amend RSA 125-M:3, I as inserted by section 1 of the bill by replacing it with the following:

1 Mercury Emissions Reduction and Control Program; Reduction of Mercury Emissions for Certain Municipal Waste Combustors. Amend RSA 125-M:3, I to read as follows:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste [~~which is subject to a federal maximum mercury emission rate of 0.08 milligrams per dry standard cubic meter (mg/dscm) or less~~] shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis[~~or at least 85 percent control efficiency~~].



Amend RSA 125-M:5, II(b)(1) as inserted by section 3 of the bill by replacing it with the following:

(b)(1) An alternative compliance plan for such a combustor may be submitted to the commissioner by interested parties to achieve a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis by means of implementing programs that reduce the amount of mercury in the municipal solid waste that is being burned at the facility. The commissioner shall approve such a plan by May 1, 2002, provided that the commissioner makes a written determination that:

(A) Implementation of the plan will result in a demonstration of achieving a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis no later than November 1, 2003;

(B) Implementation of the plan is assured through sufficient enforcement mechanisms; and

(C) The plan has been approved by the United States Environmental Protection Agency.

Amend the bill by replacing section 4 with the following:

4 New Sections; Mercury Emissions Reduction and Control Program. Amend RSA 125-M by inserting after section 7 the following new sections:

125-M:8 Reimbursement of Costs.

I. The department shall establish a grant program, pursuant to rules adopted by the commissioner under RSA 541-A, to reimburse eligible costs to any solid waste management district or regional refuse disposal district served by a municipal waste combustor permitted prior to January 1, 2001 with a design capacity to burn less than 250 tons per day but not less than 100 tons per day of municipal solid waste. The department shall reimburse such eligible costs over the same period as any such district has amortized those costs, provided that such amortization period shall not be less than 5 years.

II. The department shall determine any additional eligible costs not explicitly named in RSA 125-M:2, V of each district served by a municipal waste combustor subject to this chapter, and reimburse such additional eligible costs with prior approval of the governor and council.

III. Approval of all eligible costs, establishment of a grant program, and funding of the grant program shall occur prior to final purchase and installation of pollution control equipment at a municipal waste combustor permitted prior to January 1, 2001 with a design capacity to burn less than 250 tons per day not less than 100 tons per day of municipal solid waste.

125-M:9 Municipalities Not Liable for Certain Costs. A municipality participating in a regional disposal district or solid waste management district established prior to the imposition of the mercury emission rate established by RSA 125-M:3, I shall not be liable for the costs of maintenance, repair, or replacement of pollution control equipment installed where the district's combustor or combustors are owned by a private corporation.

Amend the bill by replacing all after section 6 with the following:

7 New Section; Incineration Ban. Amend RSA 149-M by inserting after section 26 the following new section:

149-M:26-a Incineration Ban.

I. No person shall dispose of mercury-added products in any municipal waste combustor.

II. Except as otherwise provided by this section, every person who discards solid waste within the state shall separate mercury-added products from that solid waste for recycling or disposal as a hazardous waste. Any contractor who replaces or removes mercury-added products shall assure the proper separation and recycling or disposal as a hazardous waste of any discarded mercury-added product.

III. After proper separation of mercury-added products each person who discards that waste shall either:

(a) Set that waste in a designated area for collection by a hauler who shall deliver that waste to a facility that is legally authorized and permitted to accept waste; or

(b) Deliver that waste to a facility that is legally authorized and permitted to accept that waste.

IV. Owners and operators of municipal waste combustors shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented all of the following mechanisms as required:

(a) Posting of signs at the facility providing notice of the prohibition of the disposal and incineration of mercury-added products.

(b) Written notification to or contractual agreements with the facility's customers on a frequency determined by the department, providing notice of the prohibition on the disposal and incineration of mercury-added products.

(c) Implementation of a procedure approved by the department for periodically monitoring incoming wastes to detect the presence of mercury-added products at the facility and a practice of separation of observed mercury-added products to be returned to the generator or recycled or disposed of as a hazardous waste.

(d) Provide customers with information about collection programs or facilities that are permitted to accept mercury-added products for recycling or disposal as a hazardous waste.

8 Effective Date.

I. Section 7 of this act shall take effect December 6, 2005.

II. The remainder of this act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill:

I. Sets time frames within which certain municipal waste combustors must comply with mercury emission limits, and provides alternate compliance provisions.

II. Establishes a grant program to reimburse regional refuse disposal districts for certain costs of mercury emissions reduction and control systems.

III. Extends the reporting date of the ash landfill study to September 1, 2001.

IV. Bans the incineration of any waste containing mercury beginning December 6, 2005.

Rep. Phinizy spoke in favor.

Reps. Blanchard and Jeb Bradley spoke against and yielded to questions.

The floor amendment failed.

The question now being adoption of the committee report.

Reps. Franklin and Mirski spoke against.

Rep. Stone spoke in favor and yielded to questions.

Rep. Burling requested a quorum call. The Speaker ruled a quorum was present.

### MOTION TO LAY ON THE TABLE

Rep. Mirski moved that **HB 253-FN**, relative to mercury reductions, be laid on the table.

Rep. Patten requested a roll call, sufficiently seconded.

The question being the motion to lay on the table.

### YEAS 131 NAYS 220

#### YEAS 131

#### BELKNAP

Bartlett, Gordon  
Nedeau, Stephen  
Wood, Jane

Boyce, Laurie  
Rice, Thomas Jr

Czech, Stanley  
Rosen, Ralph

Lawton, David  
Wendelboe, Fran

#### CARROLL

Dickinson, Howard

Mock, Henry

Sullivan, P Judith

Torressen, Gary

#### CHESHIRE

Allen, Peter  
Roberts, William

Espieffs, Peter  
Weed, Charles

McGuirk, Paul  
Zerba, Roger

Pratt, John

#### COOS

Gallus, John

Pratt, Leighton

Woodward, David

#### GRAFTON

Akins, Ralph  
Giuda, Robert  
Scovner, Nancy

Alger, John  
Lovett, Sid  
Solow, Martha

Cooney, Mary  
Marshall, Gene  
Sova, Charles

Gilman, G Michael  
Mirski, Paul

**HILLSBOROUGH**

Balboni, Michael  
Bruno, Pierre  
Cote, Peter  
Gonzalez, Carlos  
Hopper, Gary  
Lefebvre, Roland  
Melcher, Harold  
Thompson, Rob

Baroody, Benjamin  
Chabot, Robert  
Desrosiers, William  
Gorman, Mary  
Jean, Loren  
Lessard, Rudy  
Moran, Edward  
Vaillancourt, Steve

Bellavance, Paul  
Christiansen, Lars  
Dionne, Kimberley  
Hall, Betty  
Keye, Harvey  
Martin, Mary Ellen  
Souza, Kathleen

Bergeron, Jean-Guy  
Clegg, Robert Jr  
Gleneck, David  
Herman, Keith  
L'Heureux, Robert  
McRae, Karen  
Tahir, Saghir

**MERRIMACK**

Bouchard, Candace  
Jacobson, Alf  
Lockwood, Priscilla  
Soltani, Tony

Dunne, Christopher  
Kennedy, Richard  
Owen, Derek  
Swindlehurst, John

French, Barbara  
Langer, Ray  
Perkins, Randy  
Winter, Steven

Greco, Vincent  
Leber, William  
Rush, Deanna

**ROCKINGHAM**

Bridle, Russell  
Dearborn, Bruce  
Gilbert, Karl  
Hutchinson, Karen  
McGuire, Robert  
Packard, Sherman  
Quandt, Marshall  
Sapareto, Frank  
Weyler, Kenneth

Camm, Kevin  
DiFruscia, Anthony  
Giordano, Ronald  
Johnson, Rogers  
McKinney, Betsy  
Palermo, Diane  
Quandt, Matthew  
Trueman, Raymond

Chalbeck, Kevin  
Dodge, Robert  
Henderson, Warren  
Kelley, William  
Micklon, Stephanie  
Power, Lucille  
Robertson, Carl  
Varrell, Thomas

Clark, Vivian  
Fesh, Bob  
Hill, Jonathan  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Saia, Pamela  
Welch, David

**STRAFFORD**

Albert, Russell  
Heon, Richard  
Woodill, Rodney

Bickford, David  
Rollo, Michael  
Woods, Phyllis

Ferland, Paul  
Spang, Judith

Harrington, Michael  
Twombly, James

**SULLIVAN**

Cloutier, John  
Jones, Constance  
Rodeschin, Beverly

Ferland, Brenda  
Odell, Bob

Flint, Gordon Sr  
Phinizy, James

Franklin, Peter  
Robb, Amy

**NAYS 220****BELKNAP**

Flanders, Donald  
Pilliod, James

Holbrook, Robert  
Russell, David

Johnson, William  
Thomas, John

Millham, Alida

**CARROLL**

Babson, David Jr  
Patten, Betsey

Bradley, Jeb  
Philbrick, Donald

Kenney, Joseph  
Quimby, Lee

Lyman, L Randy  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Edwards, Dana  
Manning, Joseph  
Royce, H Charles

Batchelder, Robert  
Emerson, Susan  
Meador, David  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
Mitchell, McKim

Dexter, Judson  
Liebl, George  
Richardson, Barbara

**COOS**

Bradley, Paula  
Landers, Dana  
Tholl, John Jr

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Rodrigue, Robert

Horton, Lynn  
Stohl, Eric

**GRAFTON**

Almy, Susan  
Eaton, Stephanie  
Nordgren, Sharon  
Teschner, Douglass

Barker, Robert  
Gabler, William  
Pawlek, Marion  
Ward, Brien

Benn, Bernard  
Ham, Bonnie  
Scanlan, David  
Williams, Burton

Cobb, John  
Naro, Debra  
Sokol, Hilda

**HILLSBOROUGH**

Alukonis, David  
Balcom, John  
Brundige, Robert  
Clemons, Jane  
Dokmo, Cynthia  
Dwyer, Paul  
Emerton, Lawrence Sr  
Ford, Nancy  
Golding, William  
Greenberg, Gary  
Jean, Claudette  
LaFlamme, Paul  
Leishman, Peter  
Messier, Irene  
Palangas, Eric  
Rowe, Robert  
Spiess, Paul  
Wheeler, Robert

Andosca, Mary  
Bouchard, David  
Buckley, Raymond  
Cote, David  
Drabinowicz, A Theresa  
Dyer, Merton  
Fields, Dennis  
Foster, Linda  
Goley, Jeffrey  
Guinta, Frank  
Johnson, Lionel  
LaRose, Richard  
Lynde, Harold  
Milligan, Robert  
Panagopoulos, Nicholas  
Sargent, Maxwell  
Sweeney, Cynthia  
White, Donald

Arnold, Thomas Jr  
Bouldin, Michael  
Calawa, Leon Jr  
Coughlin, Pamela  
Drisko, Richard  
Eaton, Richard  
Fletcher, Richard  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Konys, Christine  
Lasky, Bette  
McHugh, Claire  
Movsesian, Lori  
Peterson, Andrew  
Schulze, Joan  
Tate, Joan  
White, John

Artz, Lawrence  
Bragdon, Peter  
Clayton, William  
Craig, James  
Duval, Jeffrey  
Elliott, Larry  
Flora, Kathleen  
Gargas, Carolyn  
Graham, John  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Seibel, Christopher  
Thulander, O Alan  
Williams, Carol

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Feuerstein, Martin  
Hess, David  
Maxfield, Roy  
Reardon, Tara  
Whalley, Michael

Brewster, Richard  
Cummings, Raymond  
Fraser, Leo Jr  
Hutchinson, John  
Moore, Carol  
Rodd, Beth  
Whittemore, James

Clarke, Claire  
Daneault, Gabriel  
Gile, Mary  
L'Heureux, Stephen  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

Colcord, J D  
Davis, Frank  
Hager, Elizabeth  
MacKay, James  
Poulin, David  
Wallner, Mary Jane

**ROCKINGHAM**

Arndt, Janet  
Bowles, Raimond  
Coes, Betsy  
Dalrymple, Janeen  
Flanders, John Sr  
Griffin, Mary  
Itse, Daniel  
Katsakiores, Phyllis  
Morse, Charles  
Rausch, James  
Stritch, C Donald

Belanger, Ronald  
Carson, Sharon  
Cooney, Richard  
Dowling, Patricia  
Francoeur, Sheila  
Hamel, Albert  
Johnson, Robert  
Kobel, Rudolph  
Norelli, Terie  
Ruffner, Walter  
Whittier, John

Bishop, Franklin  
Case, Margaret  
Corbin, Corey  
Downing, Michael  
Gilbert, Jeffrey  
Holland, James Jr  
Kane, Cecelia  
Langley, Jane  
Pantelakos, Laura  
Sloan, Stephen  
Woekel, Ralph

Blanchard, MaryAnn  
Clark, Martha Fuller  
Cox, Russell  
Flanagan, Natalie  
Gleason, John  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Priestley, Anne  
Stone, Joseph  
Zolla, William

**STRAFFORD**

Berube, Roger  
Cossette, Larry  
Grassie, Anne  
Musler, George  
Smith, Marjorie

Brennan, William  
DeChane, Marlene  
Hughes, Christopher  
Pelletier, Arthur  
Snyder, Clair

Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Proulx, Raymond  
Wall, Janet

Callaghan, Frank  
Estabrook, Iris  
Knowles, William  
Reid, Christopher

**SULLIVAN**

Allison, David  
Leone, Richard  
and the motion failed.

Burling, Peter

Harris, Joseph

Harris, Sandra



The question now being adoption of the committee report.

Rep. Norelli spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

## YEAS 265 NAYS 85

### YEAS 265

#### BELKNAP

Bartlett, Gordon	Flanders, Donald	Holbrook, Robert	Johnson, William
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Wendelboe, Fran		

#### CARROLL

Babson, David Jr	Bradley, Jeb	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Emerson, Susan	Hunt, John	Liebl, George
Manning, Joseph	Meader, David	Mitchell, McKim	Richardson, Barbara
Royce, H Charles	Smith, Edwin		

#### COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert	Stohl, Eric	Tholl, John Jr	Woodward, David

#### GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cobb, John	Cooney, Mary	Eaton, Stephanie	Gabler, William
Ham, Bonnie	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Teschner, Douglass	Ward, Brien	Williams, Burton

#### HILLSBOROUGH

Alukonis, David	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Chabot, Robert	Clayton, William	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Furman, Christine	Gargas, Carolyn	Golding, William	Goley, Jeffrey
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Holden, Randolph	Jean, Claudette	Johnson, Lionel
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lasky, Bette	Leach, Edward	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lynde, Harold	McHugh, Claire
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Seibel, Christopher	Spiess, Paul
Sweeney, Cynthia	Tahir, Saghir	Tate, Joan	Thulander, O Alan
Wheeler, Robert	White, John	Williams, Carol	

**MERRIMACK**

Anderson, Eric  
Colcord, J D  
Davis, Frank  
Gile, Mary  
Hutchinson, John  
Lockwood, Priscilla  
Potter, Frances  
Rush, Deanna  
Whittemore, James

Bouchard, Candace  
Crosby, Toni  
Feuerstein, Martin  
Greco, Vincent  
L'Heureux, Stephen  
MacKay, James  
Poulin, David  
Seldin, Gloria  
Yeaton, Charles

Brewster, Richard  
Cummings, Raymond  
Fraser, Leo Jr  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Reardon, Tara  
Wallner, Mary Jane

Clarke, Claire  
Daneault, Gabriel  
French, Barbara  
Hess, David  
Leber, William  
Moore, Carol  
Rodd, Beth  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Bowles, Raimond  
Clark, Vivian  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Rausch, James  
Sapareto, Frank  
Trueman, Raymond  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Coes, Betsy  
Dalrymple, Janeen  
Downing, Michael  
Gilbert, Jeffrey  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
Pantelakos, Laura  
Robertson, Carl  
Sloan, Stephen  
Welch, David

Bishop, Franklin  
Case, Margaret  
Cooney, Richard  
Dearborn, Bruce  
Flanagan, Natalie  
Giordano, Ronald  
Henderson, Warren  
Johnson, Robert  
Kobel, Rudolph  
McGuire, Robert  
Norelli, Terie  
Power, Lucille  
Ruffner, Walter  
Stone, Joseph  
Whittier, John

Blanchard, MaryAnn  
Clark, Martha Fuller  
Corbin, Corey  
DiFruscia, Anthony  
Flanders, John Sr  
Gleason, John  
Holland, James Jr  
Kane, Cecelia  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Saia, Pamela  
Stritch, C Donald  
Woekel, Ralph

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Ferland, Paul  
Johnson, Nancy  
Reid, Christopher  
Spang, Judith

Bickford, David  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rollo, Michael  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Musler, George  
Smith, Marjorie  
Woodill, Rodney

Brown, Julie  
Estabrook, Iris  
Hughes, Christopher  
Pelletier, Arthur  
Snyder, Clair

**SULLIVAN**

Allison, David

Burling, Peter

Harris, Joseph

Harris, Sandra

**NAYS 85****BELKNAP**

Boyce, Laurie  
Rosen, Ralph

Czech, Stanley  
Wood, Jane

Lawton, David

Rice, Thomas Jr

**CARROLL**

Dickinson, Howard

Kenney, Joseph

Sullivan, P Judith

Torressen, Gary

**CHESHIRE**

Allen, Peter  
Roberts, William

Espiefs, Peter  
Weed, Charles

McGuirk, Paul  
Zerba, Roger

Pratt, John

**COOS**

None

**GRAFTON**

Alger, John  
Mirski, Paul

Gilman, G Michael  
Sova, Charles

Giuda, Robert

Lovett, Sid

**HILLSBOROUGH**

Balboni, Michael	Bergeron, Jean-Guy	Bruno, Pierre	Christiansen, Lars
Clegg, Robert Jr	Cote, Peter	Dionne, Kimberley	Elliott, Larry
Gleneck, David	Gonzalez, Carlos	Gorman, Mary	Hall, Betty
Herman, Keith	Hopper, Gary	Jean, Loren	Keye, Harvey
Martin, Mary Ellen	McRae, Karen	Souza, Kathleen	Thompson, Rob
Vaillancourt, Steve	White, Donald		

**MERRIMACK**

Dunne, Christopher	Jacobson, Alf	Kennedy, Richard	Owen, Derek
Perkins, Randy	Soltani, Tony	Swindlehurst, John	Winter, Steven

**ROCKINGHAM**

Bridle, Russell	Camm, Kevin	Chalbeck, Kevin	Dodge, Robert
Fesh, Bob	Gilbert, Karl	Hill, Jonathan	Hutchinson, Karen
Johnson, Rogers	Kelley, William	Palermo, Diane	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Varrell, Thomas	Weyler, Kenneth

**STRAFFORD**

Albert, Russell	Cossette, Larry	Harrington, Michael	Proulx, Raymond
Twombly, James	Woods, Phyllis		

**SULLIVAN**

Cloutier, John	Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter
Jones, Constance	Leone, Richard	Odell, Bob	Phinیزی, James
Robb, Amy	Rodeschin, Beverly		

and the report was adopted.

Ordered to third reading.

**SENATE MESSAGES****CONCURRENCES WITH AMENDMENT**

**SB 62**, relative to guardianships.

**SB 165-FN**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use.

**SB 167-FN-A**, relative to the medicaid payment for long-term care services.

**ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE**

**HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift.

The President appointed Sens. Wheeler, O'Hearn and McCarley.

**HB 676-L**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream.

The President appointed Sens. Johnson, Eaton and Cohen.

**NONCONCURS WITH AMENDMENTS****REQUESTS COMMITTEE OF CONFERENCE**

**SB 74**, relative to providing services under the Child Protection Act.

The President appointed Sens. Gordon, Pignatelli and Roberge.

Rep. Dowling moved that the House accede.

Adopted.

The Speaker appointed Reps. Lyman, Gile, Gargas and Palermo.

**SB 68**, relative to school district placements of children living in foster homes.

The President appointed Sens. Gordon, O'Hearn and Disnard.

Rep. Henderson moved that the House accede.

Adopted.

The Speaker appointed Reps. Dearborn, Colcord, Sova and Claire Clarke.

**SB 130**, extending the period in which an expired electrician's license may be renewed. The President appointed Sens. Prescott, O'Neil and Francouer.  
Rep. Peterson moved that the House accede.  
Adopted.  
The Speaker appointed Reps. Poulin, Dexter, Dyer and Schultze.

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 443**, relative to a state energy plan. (Amendment printed SJ 5/31/01)  
Rep. Jeb Bradley moved that the House concur.  
Adopted.

**HB 274-FN**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (Two amendments printed SJ 5/17/01 and 5/31/01)  
Rep. Jeb Bradley moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Jeb Bradley, Norelli, Sloan and Gabler.

### REGULAR CALENDAR (CONT'D)

**HB 555-FN-L**, relative to the billing of counties for certain expenses by the department of health and human service. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Lawrence A. Emerton for Finance: This bill, as amended by the House, dealt with the time frames within which the Department of Health and Human Services (HHS) billed counties and counties paid those bills. Part of the Finance amendment extends one of those time frames by three months to allow HHS a bit more flexibility. But the main thrust of the Finance amendment is to resolve a pressing billing dispute between HHS and the counties that focus on juvenile court-ordered placements at the Youth Development Center (YDC), the Youth Detention Services Unit and the Tobey School. Under current law, the counties are responsible for 25% of these costs. The counties have withheld approximately \$8 million dollars of payments due HHS for FY 1999, 2000 and 2001 when the per diem rates at these facilities increased rapidly and unexpectedly. If these arrearages are repaid, the counties and HHS will enter into a memorandum of understanding that will give the counties (a) access to timely information about rates and rate changes, and (b) a "seat at the table" to address and help resolve issues relating to the cost of operating those facilities and thus the per diem charges and the 25% share for which they are liable. In addition, the state, and not the counties, will be liable for any future per diem costs at these facilities when the annual census drops below 80% of capacity. There can be no reliable estimate of the cost, if any, to the state of this provision. The Committee has been given to understand that the counties support this bill as amended. Vote 18-2.

#### Amendment (1402h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Payment of Expenses; Counties. Amend RSA 126-A:3 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any provision of law to the contrary, the department shall not require payment and counties shall have no obligation to pay and no cause of action for payment shall be maintained against the counties, for payment for any product or service sold, furnished, or leased to the department or any other person on behalf of the department, unless an invoice for such product or service has been submitted to the counties for payment within 18 months of the date of delivery or provision of the product or service.

2 Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Monthly Payments. Amend RSA 167:18-b, I to read as follows:

I. All expenditures in carrying out the purposes of this chapter or RSA 161 relative to old age assistance or aid to the permanently and totally disabled recipients who are in nursing homes shall be made in the first instance from the public assistance fund hereby created, but each county shall make monthly payments to the state for the amounts due under this section within [30] 45 days from notice thereof and shall reimburse said fund for all assistance granted to persons for which



such county is liable, to the extent of 50 percent of the non-federal share, except that no charges shall be made for the non-federal share for recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) serving developmentally impaired persons approved by the department of health and human services.

3 County Reimbursements. Amend RSA 170-G:5-a to read as follows:

170-G:5-a County Reimbursement. County payments due under RSA 169-B:40, 169-C:27 and 169-D:29 shall be paid to the department of health and human services on a monthly basis within [30] 45 days' notice of the amount due to the state. Delinquent payments due under these chapters, with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

4 Memorandum of Understanding. County governments need timely and accurate information to enable effective budget planning for their portion of the costs of placements of juveniles at the youth development center (YDC), youth detention services unit (YDSU), and, when applicable, the Tobey School. County governments should also have the opportunity to address and help resolve those factors that influence the costs of operation of these juvenile facilities. Therefore, after the state receives payment of arrearages owed by the counties to the state for their portion of costs of placements of juveniles at the YDC, YDSU, and the Tobey School for fiscal years 1999, 2000, and 2001, the state agency having administrative direction and control of these juvenile facilities shall enter into a memorandum of understanding with the designated representatives of the New Hampshire Association of Counties to provide for the flow of the necessary financial information to the counties relating to the costs of operation of the facilities. The memorandum of understanding shall be entered into and made effective no later than 60 days after the effective date of this section and shall include, at a minimum, the following:

(a) The form and schedule for the provision to the counties of information on daily census and the established and proposed per diem rates for the facilities, including information on fixed and variable costs incurred in the operation of the facilities upon which the per diem rates are based and the methodology used to calculate the rates.

(b) A process for allowing the counties, on a regular basis, to address and help resolve issues relating to the costs of operation and, accordingly, the per diem rates for the facilities.

5 New Paragraph; Delinquent Children; Limitation on Liability for Expenses. Amend RSA 169-B:40 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

6 New Paragraph; Child Protection Act; Limitation on Liability for Expenses. Amend RSA 169-C:27 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

7 New Paragraph; Children in Need of Services; Limitation on Liability for Expenses. Amend RSA 169-D:29 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

8 Contingency. Sections 4-7 of this act shall be effective upon receipt by the state of all arrearages, excluding arrearages attributable to fiscal year 1998 and excluding all interest, for fiscal years 1999, 2000, and 2001 owed by the counties to the state for their portion of costs of placements of juveniles at the YDC, YDSU, and the Tobey School, as certified by the commissioner of administrative services to the secretary of state and the director of legislative services.

9 Effective Date.

I. Sections 4-7 of this act shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill declares that the department of health and human services shall not bill a county for expenses unless the department submits an invoice to such county within 18 months of the date of incurring such expense.

This bill changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

This bill also requires a memorandum of understanding to be negotiated among the department of youth development services, the juvenile justice unit of the department of health and human services, and the counties relative to costs associated with certain juvenile placements.

Adopted.

Report adopted and ordered to third reading.

**SB 54**, relative to the transfer of funds in the community-technical college system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill creates the New Hampshire Community Technical Colleges Foundation at the instigation of the legislature. Our Vocational Technical College System is evolving into a Community Technical College System. Also at the legislature's urging we asked the System to create their own foundation for soliciting outside contributions for an endowment. This bill is a final step and allows transfer of \$250,000, that the colleges have already raised, to be transferred from the treasurer's office to the foundation. There is no impact on the general fund. Vote 20-0.

**Amendment (1411h)**

Amend RSA 188-F:4-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Accept and expend legacies and other gifts to, or for the benefit of, the community-technical college system, or any of its divisions, institutions, or units, without the approval of the governor and council, and to establish separate accounts, and to establish non-profit entities or foundations for the purposes of fund raising and development of assets in reserve. *State agencies or departments in possession of privately donated funds on behalf of the regional community-technical college system shall transfer such funds to the community-technical college foundation.*

Adopted.

Report adopted and ordered to third reading.

**SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill extends the payment of group health insurance premiums for Group I retirees (teachers and political subdivision retirees) from July 1, 2004 until July 1, 2008. These premiums are paid out of the special account established under RSA 100-A:16, II (h). This fund would still remain well in excess of \$100, 000, 000 each for teachers and employers. Furthermore this bill has no fiscal impact on state, county and local revenues or expenditures. Vote 20-0.

Adopted and ordered to third reading.

**SB 197-FN**, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Elliott for the Majority of Judiciary: The genesis of an independent judicial conduct commission was initiated by the Supreme Court in the middle of impeachment proceedings when they appointed an independent commission to study the issue of an independent judicial conduct commission. On January 5, 2001, the commission submitted the "Findings and Recommendations of the Task Force for the Renewal of Judicial Conduct Procedures". SB 197 closely tracks the recommendations of the Task Force. The House Judiciary Committee established a subcommittee to review the various House proposals and ultimately selected this Senate vehicle to bring forth our best recommendations for an independent judicial conduct commission. The subcommittee and the committee of the whole worked closely with the commission established by the Supreme Court and other legal scholars. Many of their recommendations are included in Amendment 1367h, which substantially replaces the text of Senate Bill 197. The bill establishes an eleven-member independent commission appointed by all three branches of government who shall serve without compensation. The commission shall select its own office space, which shall be as independent as possible from

other facilities of any branch of government. The commission shall have independent rulemaking authority. The commission shall conduct its meetings in public after an initial finding that the complaint against a judge has merit and needs to be further investigated. This bill begins the process of lifting the veil of secrecy that has cloaked the court system in the State of New Hampshire for too long. The preamble to this legislation best describes the intent of the House Judiciary Committee for passage of this critical legislation: "Purpose: In order to maintain a healthy democracy, the legislature finds that it is vital that the citizens of New Hampshire have an independent commission able to adequately discipline the actions of judges who have breached the Code of Judicial Conduct. The general court recognizes that the judicial branch of government must act independently, in accordance with the New Hampshire Constitution, in making its adjudicatory decisions. The legislature is mindful of the importance of the independence of each branch and believes that it has a duty under the constitution to insure that the judicial branch provides the citizens of New Hampshire fair, equal, impartial, and prompt justice. To meet its duty, the legislature mandates the establishment of a judicial conduct commission." Vote 13-2.

Rep. Peter S. Espieffs for the Minority of Judiciary: There is no compelling or urgent reason for public access to the final deliberations of the Judicial Conduct Committee (JCC) any more than there should be public access to the final deliberations of a jury. Although the JCC proceedings are made subject to RSA 91-A (i.e., Right-to-Know Law) which provides for a possible non-public hearing, such provision does not assure the confidentiality of the deliberations. The members of the deliberative body, after having conducted a public hearing on the facts and law, are entitled to protection of their private thoughts and judgmental processes without the fear of public ridicule or retribution. The deliberation process must not become a spectacle and circus. Therefore, the minority urges the House to vote against the bill because it is unnecessarily indifferent to the overriding importance of the confidential deliberative duties of the JCC and is bad public policy and precedent.

#### **Amendment (1367h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a judicial conduct commission.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. In order to maintain a healthy democracy, the legislature finds that it is vital that the citizens of New Hampshire have an independent commission able to adequately discipline the actions of judges who have breached the Code of Judicial Conduct. The general court recognizes that the judicial branch of government must act independently, in accordance with the New Hampshire Constitution, in making its adjudicatory decisions. The legislature is mindful of the importance of the independence of each branch and believes that it has a duty under the constitution to insure that the judicial branch provides the citizens of New Hampshire fair, equal, impartial, and prompt justice. To meet its duty, the legislature mandates the establishment of a judicial conduct commission.

2 New Chapter; Judicial Conduct Commission. Amend RSA by inserting after chapter 494 the following new chapter:

#### **CHAPTER 494-A JUDICIAL CONDUCT COMMISSION**

494-A:1 Judicial Conduct Commission Established. A judicial conduct commission is hereby established which shall be completely independent of the New Hampshire court system and other branches of government. The commission shall be administered by an executive director, appointed under RSA 494-A:3.

494-A:2 Definitions. In this chapter:

I. "Commission" means the judicial conduct commission established under RSA 494-A:4.

II. "Executive director" means the executive director of the commission appointed under RSA 494-A:3.

III. "Judge" means supreme court justices under RSA 490:1; superior court justices under RSA 491:1; and superior court marital masters; district court justices under RSA 502-A:3; and probate court judges, under RSA 547.

494-A:3 Executive Director; Appointment and Duties.

I. The commission shall select and appoint an executive director as the administrator of the commission. The executive director shall be appointed by majority vote of the commission after



60 days notice and a public hearing. The executive director shall hold office for 5 years and until a successor has been appointed, except that the executive director may be removed from office by vote of 2/3's of the commission. Vacancies in the office shall be filled for the unexpired term. The executive director may be reappointed using the same procedure for appointment. The executive director shall be a nonclassified state employee.

II. The executive director shall be the administrative head of the commission. The duties of the executive director shall also include:

(a) Employing and supervising commission staff, under RSA 494-A:16.

(b) Submitting an annual report to the governor, senate president, speaker of the house, and chief justice of the supreme court, by October 1 of each year, which details the performance of the commission. This report shall be a public document.

(c) Submitting budgets to be funded through general funds in the biennial operating budget.

(d) Acting as secretary for all commission meetings.

#### 494-A:4 Commission; Membership.

I. The commission shall consist of the following 11 members:

(a) Three judges, consisting of one judge or retired judge from each of the superior court, district court, and probate court, appointed by the chief justice of the supreme court.

(b) Two attorneys nominated and appointed as follows:

(1) One attorney shall be appointed by the governor, with consent of the executive council, from a list of 10 nominees prepared by the New Hampshire Bar Association. If the initial list prepared by the New Hampshire Bar Association is unsatisfactory to the governor, the governor may request that the Bar Association prepare a second list of 10 nominees from which an appointment shall be made.

(2) One attorney shall be appointed jointly by the senate president and the speaker of the house from a list of 10 nominees prepared by the New Hampshire Bar Association. If the initial list prepared by the New Hampshire Bar Association is unsatisfactory to the senate president and the speaker of the house, they may request that the Bar Association prepare a second list of 10 nominees from which an appointment shall be made.

(c) Two public members who are not judges, attorneys, or elected or appointed public officials, appointed by the governor.

(d) Two public members who are not judges or attorneys, appointed by the senate president.

(e) Two public members who are not judges or attorneys, appointed by the speaker of the house.

II. Commission members shall serve without compensation for their services, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

#### 494-A:5 Terms of Office.

I. The initial terms of office shall be staggered as follows:

(a) For the members appointed under RSA 494-A:4, I(a), one member shall be appointed for 2 years, one member shall be appointed for 3 years, and one member shall be appointed for 4 years.

(b) For the members appointed under RSA 494-A:4, I(b), one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(c) For the members appointed under RSA 494-A:4, I(c), one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(d) For the members appointed under RSA 494-A:4, I(d), one member shall be appointed for 2 years and one member shall be appointed for 3 years.

(e) For the members appointed under RSA 494-A:4, I(e), one member shall be appointed for 3 years and one member shall be appointed for 4 years.

II. After the initial appointment, a member may be reappointed for an additional term of 4 years. Initial members may not be appointed thereafter until they have not sat on the commission for a period of 4 years.

#### 494-A:6 Vacancies.

I. A vacancy in the office of the commission occurs:

(a) At the expiration of a member's term.

(b) When a member ceases to hold the office, by submitting his or her resignation to the commission, or for some other reason.

(c) When a non-attorney or non-judge member becomes an attorney or judge.

(d) When an attorney member ceases to be a member of the New Hampshire bar, is elected or appointed to public office, or is appointed a judge.

(e) When a member ceases to be domiciled in New Hampshire.



II. A vacancy shall be filled by the same appointing authority. The successor shall have the same qualifications as the person who is being replaced. If the vacancy results from other than expiration of the term, the successor shall hold office for the unexpired term.

494-A:7 Disqualification.

I. No member shall participate in any proceeding before the commission involving his or her conduct or in which he or she is a witness or is otherwise involved.

II. No member shall participate in any proceeding in which his or her impartiality might reasonably be questioned.

III. Whenever a member is unable to participate in a particular proceeding because of disqualification, prolonged absence, or physical or mental incapacity, or any other reason, the commission may request the appointing authority of the absent member to appoint a substitute member.

494-A:8 Numbers for Quorum and Action. A quorum for a meeting shall be a simple majority. Similarly, a simple majority of the commission shall be necessary to take routine action. A vote of 6 members of the commission shall be required in order to take or recommend any disciplinary action.

494-A:9 Election of Chairperson and Vice Chairperson. The members of the commission shall elect their own chairperson and vice chairperson.

494-A:10 Duties; Proceedings. The commission shall be responsible for addressing complaints concerning the conduct of judges in the courts of this state. The commission shall determine if a complaint constitutes conduct which violates the Code of Judicial Conduct. The commission shall adopt rules for its proceedings under this paragraph. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. The commission may recommend that the supreme court suspend the judge. If the commission finds evidence of criminal acts, it shall report such evidence to the attorney general. If the commission finds that a judge's conduct may warrant the removal of the judge, the commission shall refer the matter to the legislature.

II. The commission shall, by rules of the executive director adopted under RSA 494-A:12, adopt a Code of Judicial Conduct based on the Model Code of Judicial Conduct (August, 1990), adopted by the House of Delegates of the American Bar Association on August 7, 1990. The code shall be the initial code adopted and may be amended by the commission. Prior to any change in the Code of Judicial Conduct, the commission shall confer with the chief justice of the supreme court.

494-A:11 Procedures for Complaints; Public Availability.

I. When a complaint is received by the commission, the commission shall determine if the complaint is founded or unfounded. If unfounded, the commission shall respond to the complaining party within 60 days and provide the complaining party with a descriptive basis for its decision. If founded, the commission shall send a copy of the complaint to the judge and the judge shall have 21 days to respond in writing. There shall be no other communications by the judge relative to the complaint. Following a response from the judge, the commission shall send a copy of the response to the complaining party and the complaint and the response shall be public record. All subsequent actions of the commission shall be subject to the provisions of RSA 91-A.

II. The commission may conduct hearings when necessary to make a finding. Transcripts, findings, deliberations, and reports of disciplinary actions taken with regard to a founded complaint shall be available to the public under the provisions of RSA 91-A. The exemption regarding internal personnel practices in RSA 91-A:5, IV shall be inapplicable to proceedings or documents under this paragraph.

III. If the complaint referred to the commission alleges conduct that would constitute a crime, the commission chairperson shall immediately refer the matter to the attorney general. The referral of such a complaint to the attorney general shall not supersede the commission's jurisdiction relative to whether a violation of the Code of Judicial Conduct has occurred. However, the committee shall suspend its activities until the criminal proceedings, if any, are concluded.

IV. In all cases, whether a complaint is dismissed or not, complaints received by the commission shall be made available to the administrative judge of the court in which the judge complained against holds office. Furthermore, all complaints against judges received by the administrative judges and other judges of the superior court, the district court, and the probate court shall be forwarded to the commission.

V. The statute of limitations for any complaint shall be 3 years from the act which is the subject of the complaint or from the conclusion of the trial or appeal during which the act occurred, whichever is later.

494-A:12 Rules. The executive director, with consent of the commission, shall have the authority to adopt rules, after public notice and hearing, necessary to perform the objectives of this chapter and may adopt as temporary rules the rules used by the supreme court on the effective date of this chapter, but shall adopt its own rules, which shall replace such temporary rules, by January 1, 2002. Prior to the adoption of any rule, or the amendment or repeal thereof, the commission shall publish or otherwise circulate notices of its intended action and afford interested parties the opportunity to submit comments either orally or in writing.

494-A:13 Subpoena Power. The chairperson and the vice-chairperson of the commission shall have the powers of subpoena.

494-A:14 Appeals. An aggrieved party may appeal an order or decision of the judicial conduct commission provided that such appeals shall be limited to consideration of matters of procedure and errors of law.

494-A:15 Funding. The commission shall prepare and administer its own budget, including funding for such items as staff, office space, and operating expenses. Funding shall be authorized by the legislature only from sources other than those appropriated for the judicial branch.

494-A:16 Staff and Facilities.

I. The executive director shall, with the approval of the commission, hire its own staff, which may include attorneys, investigators, and clerks, as may be necessary to carry out the duties of the commission. The executive director may contract for such temporary professional, administrative, and clerical services as deemed necessary by the commission. Full-time staff shall be nonclassified personnel who shall be entitled to state employee benefits.

II. The commission shall select its own office space, which shall be as independent as possible from other facilities of any branch of government.

3 Right to Know; Judicial Conduct Commission Included Under Public Proceedings. Amend RSA 91-A:1-a, III to read as follows:

III. Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire *and the judicial conduct commission*;

4 Repeals. The following are repealed:

I. RSA 490:30, relative to the committee on judicial conduct.

II. RSA 490:32, relative to judicial performance evaluation.

5 Date of Operation of Commission. All appointments to and necessary staffing of the judicial conduct commission shall be made prior to January 1, 2002 and the commission shall commence operation January 2, 2002.

6 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

7 Effective Date. This act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill restructures the judicial conduct committee as an independent judicial conduct commission.

Majority amendment adopted.

The question being adoption of the majority report.

Reps. Espiefs and Leishman spoke against and yielded to questions.

Rep. Leishman inquired if the question was divisible. The Speaker ruled the question was not divisible.

Reps. Rowe and Jacobson spoke in favor and yielded to questions.

Rep. Camm requested a roll call; sufficiently seconded.

The question now being adoption of the majority report.

YEAS 290 NAYS 36

**YEAS 290****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	Wood, Jane

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Dexter, Judson	Edwards, Dana
Emerson, Susan	Hunt, John	Liebl, George	Manning, Joseph
Meador, David	Pratt, John	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	

**COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Pratt, Leighton	Stohl, Eric
Tholl, John Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Eaton, Stephanie	Gabler, William
Gilman, G Michael	Giuda, Robert	Lovett, Sid	Marshall, Gene
Mirski, Paul	Naro, Debra	Nordgren, Sharon	Scanlan, David
Sova, Charles	Ward, Brien	Williams, Burton	

**HILLSBOROUGH**

Alukonis, David	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Bellavance, Paul
Bergeron, Jean-Guy	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Duval, Jeffrey	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Foster, Linda
Furman, Christine	Gargasch, Carolyn	Gleneck, David	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Claudette
Jean, Loren	Johnson, Lionel	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Lessard, Rudy	Lynde, Harold
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Movsesian, Lori
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Schulze, Joan
Seibel, Christopher	Souza, Kathleen	Spiess, Paul	Sweeney, Cynthia
Tahir, Saghir	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald	White, John	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Dunne, Christopher

Feuerstein, Martin  
 Greco, Vincent  
 Jacobson, Alf  
 Leber, William  
 Poulin, David  
 Soltani, Tony

Fraser, Leo Jr  
 Hager, Elizabeth  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Rodd, Beth  
 Swindlehurst, John

French, Barbara  
 Hess, David  
 L'Heureux, Stephen  
 MacKay, James  
 Rush, Deanna  
 Whalley, Michael

Gile, Mary  
 Hutchinson, John  
 Langer, Ray  
 Perkins, Randy  
 Seldin, Gloria  
 Winter, Steven

### ROCKINGHAM

Arndt, Janet  
 Bridle, Russell  
 Chalbeck, Kevin  
 Cooney, Richard  
 DiFruscia, Anthony  
 Fesh, Bob  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Holland, James Jr  
 Johnson, Rogers  
 Kelley, William  
 Major, Norman  
 Norelli, Terie  
 Pantelakos, Laura  
 Quandt, Marshall  
 Ruffner, Walter  
 Varrell, Thomas  
 Zolla, William

Belanger, Ronald  
 Camm, Kevin  
 Clark, Martha Fuller  
 Corbin, Corey  
 Dodge, Robert  
 Flanagan, Natalie  
 Gilbert, Karl  
 Hamel, Albert  
 Introne, Robert  
 Kane, Cecelia  
 Kobel, Rudolph  
 McGuire, Robert  
 Nowe, Ronald  
 Power, Lucille  
 Quandt, Matthew  
 Sloan, Stephen  
 Welch, David

Bishop, Franklin  
 Carson, Sharon  
 Clark, Vivian  
 Cox, Russell  
 Dowling, Patricia  
 Flanders, John Sr  
 Giordano, Ronald  
 Henderson, Warren  
 Itse, Daniel  
 Katsakiores, George  
 Langley, Jane  
 McKinney, Betsy  
 Packard, Sherman  
 Priestley, Anne  
 Rausch, James  
 Stone, Joseph  
 Weyler, Kenneth

Bowles, Raimond  
 Case, Margaret  
 Coes, Betsy  
 Dearborn, Bruce  
 Downing, Michael  
 Francoeur, Sheila  
 Gleason, John  
 Hill, Jonathan  
 Johnson, Robert  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Morse, Charles  
 Palermo, Diane  
 Putnam, Ed II  
 Robertson, Carl  
 Stritch, C Donald  
 Whittier, John

### STRAFFORD

Albert, Russell  
 DeChane, Marlene  
 Harrington, Michael  
 Pelletier, Arthur  
 Spang, Judith  
 Woods, Phyllis

Berube, Roger  
 Dunlap, Patricia  
 Heon, Richard  
 Reid, Christopher  
 Twombly, James

Bickford, David  
 Ferland, Paul  
 Hughes, Christopher  
 Rollo, Michael  
 Wall, Janet

Cossette, Larry  
 Gilmore, Gary  
 Knowles, William  
 Snyder, Clair  
 Woodill, Rodney

### SULLIVAN

Cloutier, John  
 Jones, Constance  
 Robb, Amy

Ferland, Brenda  
 Leone, Richard  
 Rodeschin, Beverly

Flint, Gordon Sr  
 Odell, Bob

Franklin, Peter  
 Phinizy, James

### NAYS 36

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Allen, Peter  
 Mitchell, McKim

Burnham, Daniel  
 Weed, Charles

Espiefs, Peter

McGuirk, Paul

### COOS

Landers, Dana

Rodrigue, Robert

### GRAFTON

Benn, Bernard  
 Solow, Martha

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda



**HILLSBOROUGH**

Drabinowicz, A Theresa  
Leishman, Peter

Dwyer, Paul  
Williams, Carol

Eaton, Richard

Hall, Betty

**MERRIMACK**

Clarke, Claire  
Potter, Frances

Crosby, Toni  
Wallner, Mary Jane

Moore, Carol  
Whittemore, James

Owen, Derek  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn

**STRAFFORD**

Brennan, William  
Proulx, Raymond

Brown, Julie

Estabrook, Iris

Johnson, Nancy

**SULLIVAN**

Allison, David

Harris, Joseph

Harris, Sandra

and the majority report was adopted.

Ordered to third reading.

Rep. Burling declared a conflict of interest and did not participate.

**SB 120, relative to tip pooling for certain hourly employees. OUGHT TO PASS WITH AMENDMENT**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This bill was needed by the Department of Labor to enforce tip pooling practices now being done in New Hampshire. Vote 10-2.

**Amendment (1375h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Minimum Wage Law; Definition and Administration of Tip Pooling. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

**Date Hourly Rate**

April 1, 1991 to September 30, 1996 \$4.25

October 1, 1996 to August 31, 1997 \$4.75

On and after September 1, 1997 \$5.15

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$20 a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. *For purposes of this section, "tips directly from the customer" means: (1) tips paid directly from the customer to the employee and, (2) tips which the tipped employees voluntarily pool and share with employees who customarily and regularly receive tips, such as waitstaff, hostesses, expeditors, buspeople, and service bartenders who serve customers. Tipped employees shall not be required to share their tips with employees who have not customarily and regularly participated in tip pooling arrangements, such as dishwashers, cooks, chefs, janitors, door people, and security personnel. A tip is the property of the employee in recognition of services given to a customer and shall not include a compulsory charge for service. In no case shall more than 10 percent of the tips received by any individual be put into a tip pool. An employer may, but is not required to, administer the tip pool. When the employees administer the tip pool themselves, then they shall report sufficient information to the employer to permit the employer to document tips contributed by the wait staff to the tip pool and tips*

*received by employees from the tip pool. Where the tip pool is administered in accordance with this section, the employer shall not be in violation of the provisions of 275:48. Where the employees administer the tip pool in violation of this section, the employer shall not be in violation of RSA 275:48. No individual shall be discriminated against for not voluntarily participating in a tip pooling policy. Any restaurant, hotel, motel, inn, or cabin whose employees engage in tip pooling shall post a sign in its entrance, prominently displayed in plain view of the customer, notifying customers that the establishment pools tips. The department of labor shall provide a uniformly worded sign for posting that notifies the customer that the establishment pools tips and explains the practice in general terms.* The limitations imposed hereby shall be subject to the following exceptions:

2 Effective Date. This act shall take effect 60 days after its passage.

Rep. Gilman moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to Labor, Industrial and Rehabilitative Services.

**HB 592-FN-A**, relative to a milfoil and other exotic plants prevention and research grant program and fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Ways and Means: This bill would have increased boat registration fees by \$3 to fund a new milfoil research and prevention program. The amendment removes that fee and funds the program through a portion of the ad-valorem tax currently collected by state boat registration agents other than town clerks. The remainder of those tax funds will be used to add to the Harbor Maintenance Fund and, for one year to pay for the Department of Safety to implement the national standards for navigational aids. Currently, New Hampshire is the only state that has not adopted those standards. The amendment also requires that reports on both the milfoil program and the buoy program be submitted as part of the normal budget cycle. Vote 12-2.

#### Amendment (1326h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a milfoil and other exotic plants control and research grant program and fund. Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph: Milfoil and Other Exotic Plants Control and Research Grant Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys collected pursuant to RSA 487:26, which shall be deposited in the milfoil and other exotic plants control and research grant fund.

2 Boat Registration Fee; Collection by Authorized Agents. Amend RSA 72-A:5 to read as follows: 72-A:5 Town Treasurer.

I. Every clerk[;] and tax collector[~~and authorized agent~~] shall each week send all boat fees collected to his *or her* town or city treasurer. Except as provided in ~~[paragraph]~~ **paragraphs II and III**, boat fees shall be for the general use of the town or city.

II. When the boat fee is collected by the department of safety, the fee shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

**III. Every authorized agent of the department of safety shall each week send all boat fees collected to the department of safety. Each quarter the department shall account for these fees and deposit them as follows:**

(a) *One-third to the milfoil and other exotic plants control and research grant fund established under RSA 487:26;*

(b) *One-third to the harbor dredging and pier maintenance fund established under RSA 271-A:21; and*

(c) *One-third shall be used by the department to implement the United States Aids to Navigation System to mark the state's waters.*

3 Boat Registration Fee. Amend RSA 72-A:5, III(a) to read as follows:

(a) One-third to the general fund.

4 Boat Registration Fee. Amend RSA 72-A:15, III(c) to read as follows:

(c) One-third shall be ~~[used by the department to implement the United States Aids to Navigation System to mark the state's waters]~~ **deposited in the general fund.**

5 New Subdivision: Milfoil and Other Exotic Plants Control. Amend RSA 487 by inserting after section 25 the following new subdivision:

### Milfoil and Other Exotic Plants Control

487:26 Milfoil and Other Exotic Plants Control and Research Grant Fund. There is hereby established a special fund to be known as the milfoil and other exotic plants control and research grant fund. The purpose of this fund is to provide revenues for the milfoil and other exotic plants control and research grant program as provided in this subdivision, and moneys in the fund shall not be available for any other purpose. All moneys deposited in the fund are continually appropriated for the purposes of the milfoil and other exotic plants control and research grant program and shall not lapse.

487:27 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to lake associations and towns which seek to administer a milfoil and other exotic plants control program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. The grant program shall be funded by the milfoil and other exotic plants control and research grant fund, established under RSA 487:26. Up to one-half of the moneys distributed from the fund shall be allocated for the purposes of milfoil and other exotic plants control programs and the remainder shall be allocated to milfoil and other exotic plants research projects.

487:28 Management Plan. The department of environmental services shall establish a management plan to implement the grant program. The management plan shall include, but not be limited to:

- I. Eligibility determination criteria and procedures.
- II. Application requirements and procedures.
- III. Project selection and prioritization requirements and procedures.

IV. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

487:29 Eligible Applicants: Matching Funds.

I. The department of environmental services shall distribute funds for projects to further the purposes of this chapter only to eligible applicants. Eligible applicants shall include:

- (a) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.
- (b) Municipalities or other political subdivisions of the state.
- (c) Institutions of higher learning.

II. All eligible applicants shall provide a minimum level of matching resources equal to 50 percent of the proposed program budget. The cost-sharing match may be met through the use of in-kind services. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and the value of goods and services provided by the applicant.

487:30 Milfoil and Other Exotic Plants Control and Research Grant Fund Report and Budget.

I. The department of environmental services shall submit an annual report, beginning on July 1, 2002, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, a description of programs funded by the milfoil and other exotic plants control and research grant fund and the extent of aid to municipalities, lake associations, and research institutions.

II. In addition to or in conjunction with its operating budget, the department of environmental services shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include all expected revenues and projected expenditures of the dedicated fund established in RSA 487:26.

6 Termination of Funding and Report on United States Aids to Navigation System.

I. Any moneys that the department of safety receives during fiscal year 2002 to implement the United States Aids to Navigation System under RSA 72-A:5, III(c) and does not spend or obligate for expenditure by June 30, 2003 shall lapse to the general fund on July 1, 2003.

II. In addition to, or in conjunction with, its operating budget for fiscal year 2004 the department shall submit a report on the implementation of the United States Aids to Navigation System, including a projected budget for maintenance of the system to the speaker of the house, the president of the senate, the governor, and the executive council.

7 Prospective Repeal; July 1, 2006. The following are repealed:

- I. RSA 6:12, I(eeee), relative to the milfoil and other exotic plants control and research grant fund.
- II. RSA 487:26-29, relative to the milfoil and other exotic plants control program.

8 Effective Date.



- I. Section 4 of this act shall take effect July 1, 2002.
- II. Sections 3 and 7 of this act shall take effect July 1, 2006.
- III. The remainder of this act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill creates a grant program administered by the department of environmental services for aid to lake associations and towns which seek to administer a milfoil and other exotic plants control program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. Eligible applicants are required to provide a minimum resource match of 50 percent of the proposed program budget.

This bill also creates a special milfoil and other exotic plants control and research grant fund to provide moneys for the program. Funding for the grant program is provided by directing authorized agents of the department of safety to pay the boat fee they collect under RSA 72-A to the department, instead of to the town or city treasurer. The department shall use 1/3 of the boat fees so collected to fund the grant program and 1/3 for the harbor dredging and pier maintenance fund. For one year the department shall use the remaining 1/3 of the boat fees for implementing the United States Aid to Navigation System to mark the state's waters. After one year, the remaining 1/3 of the boat fees will go into the general fund.

The provisions of this bill are repealed July 1, 2006 and the funds allocated to the milfoil and other exotic plants control and research grant fund lapse into the general fund.

Rep. Leone spoke against and yielded to questions.  
Rep. Vivian Clark spoke in favor and yielded to questions.  
Rep. Babson requested a roll call; sufficiently seconded.  
The question being adoption of the amendment.

### YEAS 148 NAYS 168

#### YEAS 148

#### BELKNAP

Czech, Stanley	Rosen, Ralph	Russell, David	Thomas, John
Wood, Jane			

#### CARROLL

Patten, Betsey

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Dexter, Judson	Edwards, Dana
Hunt, John	Liebl, George	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin		

#### COOS

Bradley, Paula	Davis, Perley	Horton, Lynn	Mears, Edgar
Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr	

#### GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cobb, John	Cooney, Mary	Giuda, Robert	Marshall, Gene
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	

#### HILLSBOROUGH

Alukonis, David	Andosca, Mary	Artz, Lawrence	Balcom, John
Baroody, Benjamin	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars	Clemons, Jane
Cote, David	Coughlin, Pamela	Duval, Jeffrey	Emerton, Lawrence Sr
Fields, Dennis	Foster, Linda	Furman, Christine	Gleneck, David
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goulet, Maurice	Guinta, Frank	Hall, Charles	Hopper, Gary



Jean, Claudette  
Lasky, Bette  
Martin, Mary Ellen  
Panagopoulos, Nicholas  
Souza, Kathleen  
Thulander, O Alan

Konys, Christine  
Leach, Edward  
McHugh, Claire  
Reeves, Sandra  
Sweeney, Cynthia  
Vaillancourt, Steve

L'Heureux, Robert  
Lefebvre, Roland  
Movsesian, Lori  
Rowe, Robert  
Tahir, Saghir  
Williams, Carol

LaRose, Richard  
Lessard, Rudy  
Palangas, Eric  
Sargent, Maxwell  
Thompson, Rob

### MERRIMACK

Clarke, Claire  
Dunne, Christopher  
Hess, David  
Perkins, Randy  
Soltani, Tony

Colcord, J D  
Feuerstein, Martin  
Leber, William  
Potter, Frances  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
MacKay, James  
Rodd, Beth  
Whalley, Michael

Davis, Frank  
Greco, Vincent  
Moore, Carol  
Rush, Deanna

### ROCKINGHAM

Arndt, Janet  
Chalbeck, Kevin  
Dowling, Patricia  
Gilbert, Jeffrey  
Itse, Daniel  
Major, Norman  
Nowe, Ronald  
Stone, Joseph

Blanchard, MaryAnn  
Clark, Martha Fuller  
Downing, Michael  
Gilbert, Karl  
Johnson, Rogers  
McGuire, Robert  
Packard, Sherman  
Stritch, C Donald

Camm, Kevin  
Clark, Vivian  
Flanders, John Sr  
Hamel, Albert  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Welch, David

Case, Margaret  
Dodge, Robert  
Francoeur, Sheila  
Holland, James Jr  
Letourneau, Robert  
Norelli, Terie  
Rausch, James

### STRAFFORD

Albert, Russell  
Gilmore, Gary  
Wall, Janet

Berube, Roger  
Hughes, Christopher  
Woods, Phyllis

Brennan, William  
Johnson, Nancy

Cossette, Larry  
Snyder, Clair

### SULLIVAN

Burling, Peter

Franklin, Peter

Harris, Joseph

### NAYS 168

### BELKNAP

Bartlett, Gordon  
Johnson, William  
Rice, Thomas Jr

Boyce, Laurie  
Millham, Alida  
Wendelboe, Fran

Flanders, Donald  
Nedeau, Stephen

Holbrook, Robert  
Pilliod, James

### CARROLL

Babson, David Jr  
Lyman, L Randy  
Stevens, Stanley

Bradley, Jeb  
Mock, Henry  
Sullivan, P Judith

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Quimby, Lee

### CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, John

Batchelder, Robert  
McGuirk, Paul  
Weed, Charles

Emerson, Susan  
Meador, David  
Zerba, Roger

Espiefs, Peter  
Mitchell, McKim

### COOS

Gallus, John  
Woodward, David

Guay, Lawrence

Landers, Dana

Stohl, Eric

### GRAFTON

Alger, John  
Lovett, Sid  
Sokol, Hilda  
Williams, Burton

Eaton, Stephanie  
Mirski, Paul  
Solow, Martha

Gabler, William  
Naro, Debra  
Sova, Charles

Gilman, G Michael  
Scovner, Nancy  
Ward, Brien

**HILLSBOROUGH**

Arnold, Thomas Jr	Balboni, Michael	Bellavance, Paul	Bergeron, Jean-Guy
Bruno, Pierre	Clegg, Robert Jr	Cote, Peter	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Eaton, Richard
Elliott, Larry	Fletcher, Richard	Ford, Nancy	Gargasz, Carolyn
Graham, John	Greenberg, Gary	Hall, Betty	Herman, Keith
Holden, Randolph	Jean, Loren	Johnson, Lionel	Keye, Harvey
Kurk, Neal	LaFlamme, Paul	Leishman, Peter	Lynde, Harold
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
O'Connell, Timothy	Peterson, Andrew	Schulze, Joan	Seibel, Christopher
Spiess, Paul	Wheeler, Robert	White, Donald	White, John

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Cummings, Raymond
Fraser, Leo Jr	Gile, Mary	Hager, Elizabeth	Hutchinson, John
Kennedy, Richard	Langer, Ray	Lockwood, Priscilla	Owen, Derek
Seldin, Gloria	Swindlehurst, John	Whittemore, James	Winter, Steven
Yeaton, Charles			

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Bowles, Raimond	Bridle, Russell
Carson, Sharon	Coes, Betsy	Cooney, Richard	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Fesh, Bob	Flanagan, Natalie
Giordano, Ronald	Gleason, John	Griffin, Mary	Henderson, Warren
Hill, Jonathan	Introne, Robert	Johnson, Robert	Kane, Cecelia
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Morse, Charles	Palermo, Diane	Pantelakos, Laura	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Sloan, Stephen	Varrell, Thomas	Weyler, Kenneth	Whittier, John
Zolla, William			

**STRAFFORD**

Bickford, David	Brown, Julie	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Harrington, Michael	Heon, Richard
Knowles, William	Proulx, Raymond	Rollo, Michael	Spang, Judith
Twombly, James	Woodill, Rodney		

**SULLIVAN**

Allison, David	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Harris, Sandra	Jones, Constance	Leone, Richard	Odell, Bob
Phinizy, James	Robb, Amy	Rodeschin, Beverly	

and the amendment failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Alukonis spoke against.

Rep. Lovett spoke in favor and yielded to questions.

Rep. Herman moved Recommit to committee.

On a division vote, 202 members having voted in the affirmative and 112 in the negative, the motion was adopted.

Recommitted to Ways and Means.

### **SB 170-FN-L, making certain changes to the excavation tax and excavation activity tax. OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This is a minor housekeeping bill for the sand and gravel tax. The largest change is to repeal a specific appeals board for the excavation tax, and send appellants (of which there have been none) to the Board of Land and Tax Appeals, which already handles the other half of the tax. The House amendment changes the effective date, as the original one has passed. Vote 14-0.

**Amendment (1339h)**

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect April 1, 2002.

Adopted.

Report adopted and ordered to third reading.

**SB 99**, relative to the exemption from the community benefits law for charitable trusts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marshall E. Quandt for Commerce: This bill was brought to exempt the Visiting Nurse Associations who have a fund balance of less than \$1 M from reporting under the Community Benefits Statute. The committee felt that since this law is new and has not had time to work, the organizations should not be exempt later. However, the amendment gives the Attorney General's Office the authority to grant a filing extension of up to 12 months and to provide on-going training. The AG has changed a policy which makes it easier for the smaller agencies to work collectively to do their reporting. The AG's office has also agreed to develop a simpler reporting form for the smaller organizations for their filing. Vote 14-0.

**Amendment (1265h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the extension of time for filing a community benefits plan.

Amend the bill by replacing section 1 with the following:

1 Extension of Time for Filing a Community Benefits Plan. Amend RSA 7:32-g, II to read as follows:

II. An extension of time for filing the community benefits plan may be granted by the director, for a period of time not to exceed 12 months.

**AMENDED ANALYSIS**

This bill allows the director of charitable trusts to grant an extension of time to file a community benefits plan, for a period not to exceed 12 months.

Adopted.

Report adopted and ordered to third reading.

**HB 678**, relative to notice of release of an inmate from state prison. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation provides for notification of the prosecuting attorney whenever any person who has been committed to the state prison is released for gainful employment or for the performance of uncompensated public service. Currently, just the sentencing court is notified. If either the prosecuting attorney or the sentencing court object to the release, the release shall not occur. Notification of the prosecuting attorney shall also occur in instances where the commissioner of corrections releases a low risk, non-violent offender on parole under 651:25, VI (d). If either the prosecuting attorney or the sentencing court object to the release, it shall not occur. By involving the prosecuting attorney in these decisions, we feel that the victims concerns will be better represented. Vote 11-0.

**Amendment (1334h)**

Amend RSA 651:25, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of corrections may release any person who has been committed to the state prison at any time during the term of sentence for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or for such other purpose as may be deemed conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as may be prescribed by the commissioner pursuant to RSA 541-A, provided, however, that a prisoner who has not served sufficient time to be eligible for parole may be released under this section only if the sentencing court *[has] and the prosecutor of the underlying offense have* been notified of the proposed release, and *there has been no objection by either the sentencing court or the prosecutor of the underlying offense* ~~[has not objected]~~ within 10 days of receipt of such notice. *If either the sentencing court or the prosecutor of the underlying offense objects to the proposed release, the release shall not occur.*

The commissioner of corrections may permit inmates of the state prison, who volunteer to do so, to be gainfully employed outside the institution when such employment is considered in their best interest and the best interest of the state. Inmates may be so employed by the state or by public or private employers.

Rep. Welch spoke against.

The amendment failed.

Rep. Knowles offered a floor amendment (1475h) and spoke in favor.

### Floor Amendment (1475h)

Amend RSA 651:25, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of corrections may release any person who has been committed to the state prison at any time during the term of sentence for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or for such other purpose as may be deemed conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as may be prescribed by the commissioner pursuant to RSA 541-A, provided, however, that a prisoner who has not served sufficient time to be eligible for parole may be released under this section only if the sentencing court ~~[has]~~ *and the prosecutor of the underlying offense have* been notified of the proposed release, and ~~there has been no objection by either the sentencing court or the prosecutor of the underlying offense [has not objected within 10 days of receipt of such notice].~~ *If the prosecutor of the underlying offense objects to the proposed release, the prosecutor shall submit in writing to the sentencing court the reasons for objecting. The sentencing court shall, within 10 days of receipt of the prosecutor's objection agree with, or object to, the proposed release. If the sentencing court objects to the proposed release, the release shall not occur.* The commissioner of corrections may permit inmates of the state prison, who volunteer to do so, to be gainfully employed outside the institution when such employment is considered in their best interest and the best interest of the state. Inmates may be so employed by the state or by public or private employers.

### AMENDED ANALYSIS

This bill establishes a procedure for allowing objections by the prosecuting attorney and the sentencing court to the pre-parole work release of an inmate.

Adopted.

Report adopted and ordered to third reading.

### **SB 168-FN, relative to education property tax hardship relief. OUGHT TO PASS WITH AMENDMENT**

Rep. Jeff Gilbert for Ways and Means: This bill corrects an unintended potential disqualification from hardship relief for a taxpayer who sold one homestead and purchased another in the same municipality during the period of time one year prior to November 3, 1999. The bill also provides an extension of time for filing a claim under certain distress circumstances that were not due to the neglect of the taxpayer. The committee heard compelling testimony of significant injustices that this bill will correct and no testimony was given in opposition. Vote 14-0.

### Amendment (1322h)

Amend RSA 198:51, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Claims filed with the department of revenue administration shall be filed within 60 days of the due date of the taxes. *If a person is prevented by accident, mistake, or misfortune, but not neglect, from filing a claim within 60 days of the due date of the taxes, such person may file a claim no later than June 30 following the date of the notice of tax as defined in RSA 72:1-d, II.*

Adopted.

Rep. Alukonis offered a floor amendment (1456h) and spoke in favor.

### Floor Amendment (1456h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Current Tax Year; Education Property Tax Hardship Relief Claims. Claims for education property tax hardship relief filed under RSA 198:51 for the tax year beginning April 1, 2001 shall



be filed with the department of revenue administration within 60 days of the due date of the taxes; except that if a person is prevented by accident, mistake, or misfortune, but not neglect, from filing a claim within 60 days of the due date of the taxes, such person may file a claim no later than October 1 following the date of the notice of tax as defined in RSA 72:1-d, II.

Adopted.

Report adopted and ordered to third reading.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit the deadline of Wednesday, June 20<sup>th</sup> at 5:00 p.m. to sign off committee of conference reports to be moved to Friday, June 22<sup>nd</sup> at 3:00 p.m.

Adopted by the necessary two-thirds.

### SUSPENSION OF RULES

Rep. Scanlan moved that the Rules be so far suspended as to permit the deadline of Friday, June 8 at 3:00 p.m., last day to sign off all supplemental bills, to be moved to Friday, September 7<sup>th</sup> at 3:00 p.m. and the deadline of Tuesday, June 26<sup>th</sup>, last day to introduce supplemental bills, to be moved to Friday, September 21<sup>st</sup>.

Adopted by the necessary two-thirds.

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 123-FN**, relative to the retirement system classification for the director of the division of safety services, department of safety. (Two amendments printed SJ 5/01/01 and 6/5/01)

Rep. Peterson moved that the House concur.

Adopted.

**HB 477-FN**, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system. (Amendment printed SJ 5/24/01)

Rep. Peterson moved that the House concur.

Adopted.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 129, 166, 175, 194, 203, 218, 224, 245, 403, 416, 435, 620, 639, 663, 680, and Senate Bills 13, 14, 42, 59, 93, 156 and 169.

Rep. Nowe, Sen. Pignatelli for the Committee

## RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 13, 2001 at 1:00 p.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**SB 21**, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing.

**SB 41**, relative to technical corrections for life, accident and health insurance.

**SB 47**, relative to ownership of certified public accounting firms.

**SB 51**, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

**SB 76-FN**, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses.

**SB 83**, relative to the New Hampshire film and television commission.

**SB 98**, relative to notice requirements prior to the sale of manufactured housing parks

**SB 106**, relative to consumers' cooperative associations.

**SB 109**, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

**SB 121**, relative to the advisory committee on international trade.

**SB 139**, relative to uniform electronic transactions.

**SB 148**, relative to certain penalties for violations of the youth tobacco laws.

**SB 152-FN**, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

**SB 176-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

**SB 192-FN**, relative to the issuance of high/medium voltage licenses by the electricians' board.

**SB 48**, relative to the rental of shared living facilities.

**SB 46**, relative to payments of scheduled awards under the workers' compensation law.

**SB 53**, relative to attorneys' fees in certain circumstances under the workers' compensation law.

**HB 517-L**, relative to supply of water by village districts.

**HB 522-L**, establishing discretionary preservation easements for preserving historic agricultural structures.

**SB 149-FN**, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records.

**SB 118**, relative to individual health insurance coverage.

**SB 119**, relative to small group health insurance coverage.

**HB 722**, relative to town, village district, and school district elections.

**SB 19**, establishing a committee to study prevention of voter fraud.

**SB 95**, relative to campaign finance reporting requirements, political expenditure limitation amounts, and permissible campaign contributions by business organizations.

**SB 174-FN-A**, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services.

**HB 207-FN-L**, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity.

**HB 253-FN**, relative to mercury reductions.

**HB 555**, relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

**SB 54**, relative to the transfer of funds in the community-technical college system.

**SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

**SB 197-FN**, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

**SB 170-FN-L**, making certain changes to the excavation tax and excavation activity tax.

**SB 99**, relative to the extension of time for filing a community benefits plan.

**HB 678**, relative to notice of release of an inmate from state prison.

**SB 168-FN**, relative to education property tax hardship relief.

### UNANIMOUS CONSENT

Reps. Cecelia Kane and Lefebvre addressed the House.

Rep. Mock moved that Rep. Kane's remarks be printed in the Permanent Journal.

The Speaker ordered Rep. Kane's remarks and the portion of Rep. Lefebvre's remarks related to D-Day to be printed in the Permanent Journal.

### REMARKS

Rep. Cecelia Kane: Thank you, Mr. Speaker. It has been 20 years since the Center for Disease Control first warned the public about the disease that would become known as AIDS. Since then, AIDS has affected all of us. It has taken some of our colleagues from us, and it has taken members of our families as well.

My only son, Tommy, died February 16, 1989. Please God that you do not ever have to say goodbye to your 34-year old son, dying of AIDS, as I had to.

After my son died, I was told I could do something for people suffering from this fatal disease that has taken a whole generation. I ran for the House and dedicated myself to passing legislation to help in the fight against AIDS. The Pilot Needle Exchange Program, after several attempts and even a veto, finally did pass in 1997. The news from our own state and neighboring states tells us that the fight against AIDS is not over, and the news from the world at large renews our sense of horror at what this disease will do to humanity. Between 20 and 50 percent of adults and children on the African continent are HIV positive and may perish from AIDS and its related diseases.

It is fitting, Mr. Speaker, that we remember the friends and the family members who have been victims of AIDS, and that we remember as well that New Hampshire has taken courageous steps to reduce the spread of AIDS. We decriminalized needles in 2000. We also have a needle pilot program, and it is only waiting for a community to step forward to make a difference for our people. Our greatest weapons in the fight against AIDS are education and further research. We must continue to fight until that day comes when no mother will say goodbye to a child dying of AIDS. Thank you. Rep. Lefebvre: I wanted to bring to your attention, today being the 7<sup>th</sup>, yesterday was the 6<sup>th</sup> (I did graduate from mathematics class). Why I say the 6<sup>th</sup>, because yesterday was our D-Day in Europe and on behalf of all our military and our friends with the 8<sup>th</sup> Air Force in Europe and buddies we assisted in watch, climb to altitudes way up high in the sky for a rendezvous with squadrons from all over England with anything that could that fly with a painted white tail. The white tail was a symbol. At 12 o'clock at night they got us up to paint white tails on every aircraft that was going to fly because anything that did not have that white tail was going to be shot down out of the sky because this was invasion. As you looked up into the sky and heard that roar of those engines all on maximum effort to keep those loads up there floating and headed for the Channel, the thought that came through your mind really was how many of them are coming back? The real glad moment of joy that we were all excited about was to late in the afternoon start counting some of them coming back. To those air crews and those military people who fought in that invasion, Godspeed to them all. Thank you.

### RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 4:10 p.m.

### RECESS

(Rep. Leach in the Chair)

### SENATE MESSAGES

### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 274-FN**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

The President appointed Sens. Johnson, Francoeur and Below.

**HB 332**, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

The President appointed Sens. Boyce, Prescott and Wheeler.

**HB 585**, relative to the membership and duties of the council on resources and development.

The President appointed Sens. Below, Johnson and Gatsas.

**HB 723**, relative to vacancies in county offices.

The President appointed Sens. Roberge, Barnes and O'Neil.

### RECESS

(Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 21**

Wednesday, June 13, 2001

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Dear Creator of all, we thank You for the blessings of this day and for the privilege and honor of living in New Hampshire. We thank You also for the freedom we share to live in a democracy that demands from us participation, wisdom, compassion, and courage as we seek to improve and defend the right of all citizens to enjoy life, liberty and the pursuit of happiness envisioned by our founding fathers and mothers. We ask Your blessing upon the work of this honorable House today and upon all the citizens of our beloved New Hampshire. Amen.

Rep. Russell Bridle led the Pledge of Allegiance.

Lisa Itse, wife of Rep. Itse, sang our National Anthem.

**LEAVES OF ABSENCE**

Reps. Barker, Peter Cote, Langone, Moran, Irene Pratt and Swindlehurst, the day, illness.

Reps. Brown, Gonzalez, Claudette Jean, Konys, Lent, Musler, Palangas, Quimby, Rozek, Ruffner, Salts, Seibel, Shultis, Marjorie Smith, Stone, Weatherspoon, Burton Williams and Jane Wood, the day, important business.

**INTRODUCTION OF GUESTS**

Bill Bradley, husband of Rep. Paula Bradley. Jessica Itse, daughter of Rep. Itse. Elna Daigle, wife of Rep. Daigle. Joachim Tausch, guest of Rep. Balcom. Briana Calore, daughter of Reps. Sandra and Joseph Harris.

**SPECIAL GUEST**

Honorable Stacey Cole, former Deputy Speaker of the House, joined the Speaker on the podium and addressed the House.

**ENROLLED BILL AMENDMENTS**

**SB 100**, establishing a committee to study the feasibility of creating a mental health court division. (Amendment printed SJ 6/12/01)

Adopted.

**SB 165-FN**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use. (Amendment printed SJ 6/12/01)

Adopted.

**SB 167-FN-A**, relative to the medicaid payment for long-term care services. (Amendment printed SJ 6/12/01)

Adopted.

**SENATE MESSAGES****CONCURRENCE**

**HB 412**, relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.

**NONCONCURRENCE**

**HB 362-FN**, relative to the practice of veterinary medicine.

**HB 469-FN-L**, relative to the applicable minimum wage for hourly employees.

**CONCURRENCE WITH AMENDMENTS**

**SB 20**, relative to possessory actions instituted on the basis of nonpayment of rent.

**SB 84**, relative to funeral processions.

**SB 107-FN**, relative to violations of motor vehicle laws by foreign diplomatic and consular officers.

**SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment.



**SB 190**, dedicating the I-93 causeway at Moore Dam, the Cottage Street Bridge in Littleton, and the Smith Bridge in Plymouth.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 648-FN**, authorizing licensing of homeless youth programs. (Two amendments printed SJ 5/31/01)

Rep. Dowling moved that the House concur and spoke in favor.

Adopted.

**HB 731-FN**, relative to securities laws. (Two amendments printed SJ 6/07/01 and 6/12/01)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 361**, establishing a committee to study certain policies and procedures in the department of corrections. (Amendment printed SJ 6/07/01)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 210-FN**, relative to the penalties for persons convicted of subsequent DWI offenses. (Two amendments printed SJ 6/07/01)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 659-FN**, relative to penalties for attempting to purchase firearms illegally. (Amendment printed SJ 6/07/01)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 764-FN**, relative to interference with custody. (Amendment printed SJ 6/07/01)

Rep. Welch moved that the House concur.

Rep. Knowles spoke in favor.

Adopted.

**HB 604-FN**, relative to increasing certain fees and making other changes to fish and game licenses. (Amendment printed SJ 5/31/01)

Rep. McKinney moved that the House concur and spoke in favor.

Adopted.

**HB 326-FN-A**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor. (Amendment printed SJ 6/05/01)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

**HB 442**, establishing a study committee to examine the effects of protective custody on county correctional facilities. (Two amendments printed SJ 6/07/01)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

**HB 140**, relative to interest on judgements. (Amendment printed SJ 6/07/01)

Rep. Mock moved that the House concur and spoke in favor.

Adopted.

### NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEE OF CONFERENCE

**SB 118**, relative to individual health insurance coverage.

The President appointed Sens. Francoeur, Burns and D'Allesandro.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Martha Fuller Clark, Marshall Quandt and Francoeur.

**SB 119**, relative to small group health insurance coverage.

The President appointed Sens. Francoeur, Burns and D'Allesandro.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Martha Fuller Clark, Herman and Francoeur.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 405**, relative to the advisory council on child care's study of the creation of an at-home infant child care program in New Hampshire. (Amendment printed SJ 6/07/01)

Rep. Dowling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Arnold, Greenberg, Karen Hutchinson and Ginsburg.

**HB 451**, relative to the duties of the advisory council on child care. (Amendment printed SJ 6/07/01)

Rep. Dowling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bickford, Moran, Richardson and Gile.

**HB 132-FN**, relative to the damage or destruction of an emergency vehicle or emergency services equipment. (Amendment printed SJ 6/07/01)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Knowles, Tholl, Nedeau and Jones.

**HB 426**, relative to the voluntary scrapie flock certification program. (Amendment printed SJ 6/07/01)

Rep. Babson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Melcher, O'Connell, Babson and Burton Williams.

**HB 643-FN**, extending the moratorium on new nursing home beds. (Amendment printed SJ 6/07/01)

Rep. Batula moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Batula, Herman, Wendelboe and Sandra Harris.

**HB 320-FN**, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads. (Amendment printed SJ 6/07/01)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Packard, John Flanders, Dickinson and Brenda Ferland.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 554-FN**, establishing a division of information technology within the department of safety. (Amendment printed SJ 6/07/01)

Rep. Dyer moved that the House concur and spoke in favor.

Adopted.

**HB 126-FN**, relative to the board of pharmacy and the regulation of pharmacists. (Amendment printed SJ 6/07/01)

Rep. Dyer moved that the House concur and spoke in favor.

Adopted.

**HB 261-FN**, including the judiciary as a public employer under the public employee labor relations act. (Amendment printed SJ 6/07/01)

Rep. Gilman moved that the House concur.

Rep. Holden spoke in favor.

Adopted.

**HB 275**, relative to the expenditure of funds received pursuant to the Workforce Investment Act. (Amendment printed SJ 6/12/01)

Rep. Gilman moved that the House concur and spoke in favor.

Adopted.

**HB 208-FN**, changing the license requirement for operators collecting the meals and rooms tax. (Amendment printed SJ 6/07/01)

Rep. Alukonis moved that the House concur and spoke in favor.

Adopted.

**HB 351**, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. (Two amendments printed SJ 6/07/01)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Reps. Foster, Anderson, Vaillancourt and Jacobson spoke against.

Reps. Stephanie Eaton, Peterson, Reid, Clegg, Mirski and Mock spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the motion to nonconcur and request a Committee of Conference.

## YEAS 186 NAYS 166

### YEAS 186

#### BELKNAP

Bartlett, Gordon  
Millham, Alida  
Russell, David

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Czech, Stanley  
Rice, Thomas Jr

Holbrook, Robert  
Rosen, Ralph

#### CARROLL

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry  
Torressen, Gary

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Stevens, Stanley

#### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Royce, H Charles

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

Emerson, Susan  
Roberts, William

#### COOS

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

#### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Gabler, William  
Mirski, Paul  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David

Dudley, Terri  
Giuda, Robert  
Sova, Charles

#### HILLSBOROUGH

Allan, Nelson  
Balboni, Michael  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dyer, Merton  
Fletcher, Richard  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
McRae, Karen  
Pepino, Leo  
Souza, Kathleen  
Wheeler, Robert

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Elliott, Larry  
Flora, Kathleen  
Golding, William  
Guinta, Frank  
Hopper, Gary  
LaRose, Richard  
Mercer, Robert  
Peterson, Andrew  
Tahir, Saghir  
White, Donald

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Emerton, Lawrence Sr  
Ford, Nancy  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
Leach, Edward  
Milligan, Robert  
Reeves, Sandra  
Tate, Joan

Artz, Lawrence  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Dionne, Kimberley  
Fields, Dennis  
Furman, Christine  
Graham, John  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
Pappas, Marc  
Sargent, Maxwell  
Thulander, O Alan

#### MERRIMACK

Anderson, Eric  
Fraser, Leo Jr

Colcord, J D  
Hess, David

Cummings, Raymond  
Hutchinson, John

Dunne, Christopher  
Kennedy, Richard

L'Heureux, Stephen  
Poulin, David

Langer, Ray  
Soltani, Tony

Leber, William  
Whalley, Michael

MacKay, James  
Winter, Steven

## ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Cox, Russell  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Stritch, C Donald  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Varrell, Thomas

Bishop, Franklin  
Chalbeck, Kevin  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Sapareto, Frank  
Welch, David

Bridle, Russell  
Clark, Vivian  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
McKinney, Betsy  
Palermo, Diane  
Rabideau, Marie  
Sloan, Stephen  
Weyler, Kenneth

## STRAFFORD

Albert, Russell  
Twombly, James

Cossette, Larry  
Woods, Phyllis

Harrington, Michael

Reid, Christopher

## SULLIVAN

Odell, Bob

Rodeschin, Beverly

## NAYS 166

## BELKNAP

Flanders, Donald

Johnson, William

Pilliod, James

## CARROLL

None

## CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, John

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meader, David  
Weed, Charles

Espiefs, Peter  
Mitchell, McKim  
Zerba, Roger

## COOS

Bradley, Paula  
Rodrigue, Robert

Davis, Perley

Landers, Dana

Mears, Edgar

## GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Ham, Bonnie  
Pawlek, Marion

## HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond  
Cote, David  
Drabinowicz, A Theresa  
Eaton, Richard  
Goley, Jeffrey  
Johnson, Lionel  
Lasky, Bette  
Martin, Mary Ellen  
Messier, Irene  
Rowe, Robert  
Sweeney, Cynthia

Baroody, Benjamin  
Cardin, Lori  
Craig, James  
Drisko, Richard  
Foster, Linda  
Gorman, Mary  
Kacavas, John  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Movsesian, Lori  
Schulze, Joan  
Vaillancourt, Steve

Bellavance, Paul  
Clayton, William  
Desrosiers, William  
Duval, Jeffrey  
Gargas, Carolyn  
Haley, Robert  
Keye, Harvey  
Leishman, Peter  
McHugh, Claire  
O'Connell, Timothy  
Shaw, Barbara  
White, John

Bergin, Peter  
Clemons, Jane  
Dokmo, Cynthia  
Dwyer, Paul  
Ginsburg, Ruth  
Hall, Betty  
LaFlamme, Paul  
Lynde, Harold  
Melcher, Harold  
Panagopoulos, Nicholas  
Spiess, Paul  
Williams, Carol



**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Dearborn, Bruce	DiFruscia, Anthony
Downing, Michael	Gleason, John	Kane, Cecelia	Langley, Jane
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Robertson, Carl
Saia, Pamela	Splaine, James	Trueman, Raymond	Whittier, John

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizz, James	Robb, Amy

and the motion to nonconcur and request a Committee of Conference was adopted.

The Speaker appointed Reps. Whalley, Kurk, Henderson, Alukonis and Estabrook, and alternates Reps. Giuda and Foster.

**SENATE MESSAGES (CONT'D)****REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002 and June 30, 2003. (Amendment printed SJ 6/12/01)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

**MOTION TO LAY ON THE TABLE**

Rep. Hager moved that **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002 and June 30, 2003, be laid on the table.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay on the table.

**YEAS 168 NAYS 178****YEAS 168****BELKNAP**

Flanders, Donald	Johnson, William	Millham, Alida	Pilliod, James
Rice, Thomas Jr			

**CARROLL**

None

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula  
Rodrigue, Robert

Davis, Perley

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Ham, Bonnie  
Pawlek, Marion

**HILLSBOROUGH**

Andosca, Mary  
Buckley, Raymond  
Cote, David  
Drisko, Richard  
Ford, Nancy  
Goley, Jeffrey  
Johnson, Lionel  
Leach, Edward  
Martin, Mary Ellen  
Movsesian, Lori  
Shaw, Barbara  
Williams, Carol

Baroody, Benjamin  
Cardin, Lori  
Craig, James  
Duval, Jeffrey  
Foster, Linda  
Gorman, Mary  
Kacavas, John  
Lefebvre, Roland  
McDonough-Wallace, Alice  
O'Connell, Timothy  
Spiess, Paul

Bellavance, Paul  
Clayton, William  
Dokmo, Cynthia  
Dwyer, Paul  
Gargas, Carolyn  
Haley, Robert  
Keye, Harvey  
Leishman, Peter  
Melcher, Harold  
Panagopoulos, Nicholas  
Sweeney, Cynthia

Bergin, Peter  
Clemons, Jane  
Drabinowicz, A Theresa  
Eaton, Richard  
Ginsburg, Ruth  
Hall, Betty  
Lasky, Bette  
Lynde, Harold  
Messier, Irene  
Schulze, Joan  
White, John

**MERRIMACK**

Bouchard, Candace  
Crosby, Toni  
Fraser, Leo Jr  
Greco, Vincent  
MacKay, James  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria

Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Colcord, J D  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Whittemore, James

**ROCKINGHAM**

Blanchard, MaryAnn  
Coes, Betsy  
DiFruscia, Anthony  
Kane, Cecelia  
Norelli, Terie  
Power, Lucille  
Trueman, Raymond

Bowles, Raimond  
Cooney, Richard  
Downing, Michael  
Kelley, Jane  
O'Keefe, Patricia  
Robertson, Carl  
Whittier, John

Case, Margaret  
Cox, Russell  
Gleason, John  
Langley, Jane  
Pantelakos, Laura  
Sloan, Stephen

Clark, Martha Fuller  
Dearborn, Bruce  
Johnson, Robert  
McGuire, Robert  
Pitts, Jacqueline  
Splaine, James

**STRAFFORD**

Berube, Roger  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Taylor, Kathleen

Brennan, William  
Ferland, Paul  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Wall, Janet

Callaghan, Frank  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Pelletier, Marsha  
Spang, Judith

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

**NAYS 178****BELKNAP**

Bartlett, Gordon  
Nedeau, Stephen

Boyce, Laurie  
Rosen, Ralph

Czech, Stanley  
Russell, David

Holbrook, Robert  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry  
Torresen, Gary

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Royce, H Charles

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

Emerson, Susan  
Roberts, William

**COOS**

Gallus, John  
Stohl, Eric

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Mirski, Paul  
Ward, Brien

Alger, John  
Gabler, William  
Scanlan, David

Cobb, John  
Giuda, Robert  
Sova, Charles

Dudley, Terri  
Marshall, Gene  
Teschner, Douglass

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
McRae, Karen  
Pepino, Leo  
Sargent, Maxwell  
Vaillancourt, Steve

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Dyer, Merton  
Fletcher, Richard  
Golding, William  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Mercer, Robert  
Peterson, Andrew  
Souza, Kathleen  
Wheeler, Robert

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Elliott, Larry  
Flora, Kathleen  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
Milligan, Robert  
Reeves, Sandra  
Tahir, Saghir  
White, Donald

Artz, Lawrence  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Desrosiers, William  
Emerton, Lawrence Sr  
Furman, Christine  
Graham, John  
Herman, Keith  
Kurk, Neal  
McHugh, Claire  
Pappas, Marc  
Rowe, Robert  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Hutchinson, John  
Poulin, David

Cummings, Raymond  
Kennedy, Richard  
Soltani, Tony

Dunne, Christopher  
Langer, Ray  
Whalley, Michael

Hess, David  
Leber, William  
Winter, Steven

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Dalrymple, Janeen  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Johnson, Rogers  
Kobel, Rudolph  
Morse, Charles  
Priestley, Anne  
Rausch, James  
Stritch, C Donald  
Zolla, William

Belanger, Ronald  
Carson, Sharon  
Dodge, Robert  
Flanders, John Sr  
Giordano, Ronald  
Holland, James Jr  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Varrell, Thomas

Bishop, Franklin  
Chalbeck, Kevin  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Saia, Pamela  
Welch, David

Bridle, Russell  
Clark, Vivian  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Palermo, Diane  
Rabideau, Marie  
Sapareto, Frank  
Weyler, Kenneth

**STRAFFORD**

Albert, Russell  
Harrington, Michael

Bickford, David  
Reid, Christopher

Cossette, Larry  
Twombly, James

DeChane, Marlene  
Woods, Phyllis

**SULLIVAN**

Odell, Bob  
and the motion failed.

Rodeschin, Beverly

The question now being adoption of the motion to nonconcur and request a Committee of Conference on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002 and June 30, 2003.

Rep. Herman requested a roll call; sufficiently seconded.

**YEAS 214 NAYS 132****YEAS 214****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boyce, Laurie  
Nedeau, Stephen  
Russell, David

Czech, Stanley  
Pilliod, James  
Wendelboe, Fran

Flanders, Donald  
Rice, Thomas Jr

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry  
Torressen, Gary

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Stevens, Stanley

**CHESHIRE**

Allen, Peter  
Emerson, Susan  
Roberts, William

Avery, Stephen  
Fairbanks, Chandler  
Royce, H Charles

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George  
Weed, Charles

**COOS**

Gallus, John  
Mears, Edgar  
Woodward, David

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Stohl, Eric

Landers, Dana  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Mirski, Paul  
Teschner, Douglass

Benn, Bernard  
Gabler, William  
Nordgren, Sharon  
Ward, Brien

Cobb, John  
Giuda, Robert  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bouldin, Michael  
Calawa, Leon Jr  
Christiansen, Lars  
Craig, James  
Dyer, Merton  
Fletcher, Richard  
Gargas, Carolyn  
Graham, John  
Herman, Keith  
Kurk, Neal  
Lasky, Bette  
Mercer, Robert

Alukonis, David  
Batula, Peter  
Bragdon, Peter  
Carlson, Donald  
Clegg, Robert Jr  
Desrosiers, William  
Elliott, Larry  
Flora, Kathleen  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Leach, Edward  
Milligan, Robert

Arnold, Thomas Jr  
Bergeron, Jean-Guy  
Brundige, Robert  
Chabot, Robert  
Cote, David  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Foster, Linda  
Golding, William  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
McHugh, Claire  
O'Connell, Timothy

Artz, Lawrence  
Bouchard, David  
Bruno, Pierre  
Christensen, D L Chris  
Coughlin, Pamela  
Drisko, Richard  
Fields, Dennis  
Furman, Christine  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Panagopoulos, Nicholas



Pappas, Marc  
Sargent, Maxwell  
Vaillancourt, Steve

Pepino, Leo  
Souza, Kathleen  
Wheeler, Robert

Reeves, Sandra  
Tahir, Saghir  
White, Donald

Rowe, Robert  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Hess, David  
Leber, William  
Poulin, David  
Whittemore, James

Crosby, Toni  
Hutchinson, John  
MacKay, James  
Soltani, Tony  
Winter, Steven

Cummings, Raymond  
Kennedy, Richard  
Moore, Carol  
Wallner, Mary Jane

Dunne, Christopher  
Langer, Ray  
Potter, Frances  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Clark, Martha Fuller  
Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Quandt, Marshall  
Saia, Pamela  
Welch, David

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Norelli, Terie  
Palermo, Diane  
Rabideau, Marie  
Sapareto, Frank  
Weyler, Kenneth

Bishop, Franklin  
Carson, Sharon  
Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
McGuire, Robert  
Nowe, Ronald  
Priestley, Anne  
Rausch, James  
Stritch, C Donald  
Zolla, William

Bowles, Raimond  
Chalbeck, Kevin  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
McKinney, Betsy  
O'Keefe, Patricia  
Putnam, Ed II  
Reardon, Neil  
Varrell, Thomas

### STRAFFORD

Albert, Russell  
Harrington, Michael

Bickford, David  
Reid, Christopher

Cossette, Larry  
Twombly, James

Estabrook, Iris  
Woods, Phyllis

### SULLIVAN

Burling, Peter  
Rodeschin, Beverly

Jones, Constance

Odell, Bob

Robb, Amy

### NAYS 132

### BELKNAP

Johnson, William

Millham, Alida

### CARROLL

None

### CHESHIRE

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meador, David  
Zerba, Roger

Espiefs, Peter  
Mitchell, McKim

Manning, Joseph  
Pratt, John

### COOS

Bradley, Paula

Davis, Perley

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Naro, Debra  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

Ham, Bonnie  
Scovner, Nancy

Lovett, Sid  
Sokol, Hilda

### HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond

Baroody, Benjamin  
Cardin, Lori

Bellavance, Paul  
Clayton, William

Bergin, Peter  
Clemons, Jane

Dokmo, Cynthia  
Eaton, Richard  
Gorman, Mary  
Kacavas, John  
Lynde, Harold  
Messier, Irene  
Shaw, Barbara  
Williams, Carol

Drabinowicz, A Theresa  
Ford, Nancy  
Haley, Robert  
Keye, Harvey  
Martin, Mary Ellen  
Movsesian, Lori  
Spiess, Paul

Duval, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Peterson, Andrew  
Sweeney, Cynthia

Dwyer, Paul  
Goley, Jeffrey  
Johnson, Lionel  
Leishman, Peter  
Melcher, Harold  
Schulze, Joan  
White, John

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Owen, Derek  
Rush, Deanna

Brewster, Richard  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Seldin, Gloria

Clarke, Claire  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Reardon, Tara  
Yeaton, Charles

Colcord, J D  
Fraser, Leo Jr  
Greco, Vincent  
Maxfield, Roy  
Rodd, Beth

### ROCKINGHAM

Blanchard, MaryAnn  
Cox, Russell  
Pantelakos, Laura  
Sloan, Stephen

Case, Margaret  
Dearborn, Bruce  
Pitts, Jacqueline  
Splaine, James

Coes, Betsy  
Kane, Cecelia  
Power, Lucille  
Trueman, Raymond

Cooney, Richard  
Langley, Jane  
Robertson, Carl  
Whittier, John

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Taylor, Kathleen

Brennan, William  
Ferland, Paul  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Wall, Janet

Callaghan, Frank  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Pelletier, Marsha  
Spang, Judith

### SULLIVAN

Allison, David  
Franklin, Peter  
Phinizy, James

Cloutier, John  
Harris, Joseph

Ferland, Brenda  
Harris, Sandra

Flint, Gordon Sr  
Leone, Richard

and the motion was adopted.

The Speaker appointed Reps. Kurk, Whalley, Weyler, Major and Wallner, and alternates Reps. Chandler, Stone, Emerton, Wendelboe and Burling.

### SENATE MESSAGES (CONT'D)

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 702**, relative to the duties of the committee to study the consumer protection effort in New Hampshire. (Amendment printed SJ 6/12/01)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hunt, Kurk, Leo Fraser and Batchelder.

**HB 488**, establishing a task force to study certain issues regarding privacy. (Amendment printed SJ 6/07/01)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hunt, Leo Fraser, Taylor and Martha Fuller Clark.

**HB 726-L**, relative to change of school assignment and transfers of public school pupils. (Two amendment printed SJ 6/07/01)

Rep. Henderson moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Alger, Carson, Herman and Yeaton.

**HB 131**, relative to the retention and disposal of certain financial disclosure forms. (Amendment printed SJ 6/07/01)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Teschner, Clegg, Bragdon and Rollo.

**HB 259**, relative to holding sessions for correction of checklists. (Amendment printed SJ 6/07/01)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Stritch, Reeves, Flanagan and Buckley.

**HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. (Two amendments printed SJ 6/12/01)

Rep. Dyer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Zolla, Andosca, Dyer and Wheeler.

**HB 373**, relative to surety bonds for detective agencies and security services. (Amendment printed SJ 6/12/01)

Rep. Dyer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dodge, Charles Hall, Dexter and Landers.

**HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. (Amendment printed SJ 6/07/01)

Rep. Dyer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Peterson, Poulin, Pawlek and Wheeler.

**HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty. (Amendment printed SJ 6/07/01)

Rep. Dyer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Langer, Dyer, Zolla and Lent.

**HB 354-FN-A-L**, extending the kindergarten construction program. (Amendment printed SJ 6/07/01)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Weyler, Mercer, Thulander and Foster.

**HB 328-FN-L**, relative to fees of sheriffs and deputy sheriffs. (Amendment printed SJ 6/07/01)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Reid, Elliott, Thulander and Dudley.

**HB 450**, relative to certain work product under the right-to-know-law. (Two amendments printed SJ 6/07/01)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Reid, Soltani, John Pratt and Herman.

**HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles. (Amendment printed SJ 6/07/01)

Rep. Royce moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Royce, Whalley, Dyer and McGuire.

**HB 337-FN**, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission. (Amendment printed SJ 6/12/01)

Rep. Jeb Bradley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jeb Bradley, Naida Kane, Dyer and Anderson.

**HB 375**, relative to sources of funding an adequate education. (Amendment printed SJ 6/12/01)  
Rep. Alukonis moved that the House nonconcur and request a Committee of Conference and spoke in favor.

Reps. Spiess and McGuirk spoke against.

Rep. Mock spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the motion to nonconcur and request a Committee of Conference.

## YEAS 162 NAYS 174

### YEAS 162

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Holbrook, Robert	Nedeau, Stephen
Rosen, Ralph	Russell, David	Wendelboe, Fran	

#### CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Roberts, William
Royce, H Charles	Smith, Edwin		

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Stohl, Eric
Tholl, John Jr			

#### GRAFTON

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass			

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Ford, Nancy	Furman, Christine	Golding, William	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Lessard, Rudy	McHugh, Claire	McRae, Karen	Mercer, Robert
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Sargent, Maxwell
Souza, Kathleen	Tahir, Saghir	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert			

#### MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hess, David
Hutchinson, John	Kennedy, Richard	Langer, Ray	Leber, William
Poulin, David	Soltani, Tony	Whalley, Michael	Winter, Steven



**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Clark, Vivian	Dalrymple, Janeen
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Rausch, James	Reardon, Neil
Sapareto, Frank	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Zolla, William		

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Reid, Christopher	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Rodeschin, Beverly

**NAYS 174****BELKNAP**

Czech, Stanley	Flanders, Donald	Johnson, William	Millham, Alida
Pilliod, James	Rice, Thomas Jr		

**CARROLL**

Dickinson, Howard	Philbrick, Donald
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**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Davis, Perley	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert	Woodward, David		

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Buckley, Raymond	Clayton, William	Clemons, Jane
Cote, David	Craig, James	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Eaton, Richard
Fletcher, Richard	Foster, Linda	Gargasch, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Johnson, Lionel	Kacavas, John	Keye, Harvey	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Milligan, Robert
Movsesian, Lori	O'Connell, Timothy	Panagopoulos, Nicholas	Peterson, Andrew
Rowe, Robert	Schulze, Joan	Shaw, Barbara	Spiess, Paul
Sweeney, Cynthia	White, Donald	White, John	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
MacKay, James	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Downing, Michael	Gleason, John	Johnson, Robert
Kane, Cecelia	Kobel, Rudolph	Langley, Jane	McGuire, Robert
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Saia, Pamela	Sloan, Stephen	Splaine, James
Trueman, Raymond	Whittier, John		

**STRAFFORD**

Brennan, William	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Odell, Bob	Phinizy, James	Robb, Amy

and the motion to nonconcur and request a Committee of Conference failed.

Rep. Spiess moved that the House nonconcur.

Rep. Soltani requested a roll call; sufficiently seconded.

**YEAS 192 NAYS 144****YEAS 192****BELKNAP**

Czech, Stanley	Flanders, Donald	Johnson, William	Millham, Alida
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David

**CARROLL**

Dickinson, Howard	Patten, Betsey	Philbrick, Donald
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**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Edwards, Dana	Espiefs, Peter	Manning, Joseph	McGuirk, Paul
Meader, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Weed, Charles	Zerba, Roger		

**COOS**

Bradley, Paula	Davis, Perley	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert	Stohl, Eric	Woodward, David	

**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Ham, Bonnie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha			

**HILLSBOROUGH**

Andosca, Mary  
Bellavance, Paul  
Clemons, Jane  
Drabinowicz, A Theresa  
Eaton, Richard  
Foster, Linda  
Gorman, Mary  
Holden, Randolph  
LaRose, Richard  
Leishman, Peter  
Messier, Irene  
Panagopoulos, Nicholas  
Shaw, Barbara  
Williams, Carol

Arnold, Thomas Jr  
Bergin, Peter  
Cote, David  
Drisko, Richard  
Emerton, Lawrence Sr  
Gargas, Carolyn  
Greenberg, Gary  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
Milligan, Robert  
Peterson, Andrew  
Spiess, Paul

Baroody, Benjamin  
Buckley, Raymond  
Craig, James  
Duval, Jeffrey  
Fletcher, Richard  
Ginsburg, Ruth  
Haley, Robert  
Kacavas, John  
Leach, Edward  
McDonough-Wallace, Alice  
Movsesian, Lori  
Rowe, Robert  
Sweeney, Cynthia

Batula, Peter  
Clayton, William  
Dokmo, Cynthia  
Dwyer, Paul  
Ford, Nancy  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
Melcher, Harold  
O'Connell, Timothy  
Schulze, Joan  
White, John

**MERRIMACK**

Bouchard, Candace  
Crosby, Toni  
Fraser, Leo Jr  
Greco, Vincent  
MacKay, James  
Potter, Frances  
Rush, Deanna  
Yeaton, Charles

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Moore, Carol  
Poulin, David  
Seldin, Gloria

Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Owen, Derek  
Reardon, Tara  
Wallner, Mary Jane

Colcord, J D  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Perkins, Randy  
Rodd, Beth  
Whittemore, James

**ROCKINGHAM**

Belanger, Ronald  
Clark, Martha Fuller  
Dalrymple, Janeen  
Gleason, John  
Kobel, Rudolph  
Norelli, Terie  
Robertson, Carl  
Trueman, Raymond

Blanchard, MaryAnn  
Coes, Betsy  
Dearborn, Bruce  
Hamel, Albert  
Langley, Jane  
O'Keefe, Patricia  
Saia, Pamela  
Whittier, John

Bowles, Raimond  
Cooney, Richard  
DiFruscia, Anthony  
Johnson, Robert  
McGuire, Robert  
Pantelakos, Laura  
Sloan, Stephen

Case, Margaret  
Cox, Russell  
Downing, Michael  
Kane, Cecelia  
Morse, Charles  
Pitts, Jacqueline  
Splaine, James

**STRAFFORD**

Brennan, William  
Estabrook, Iris  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Taylor, Kathleen

Callaghan, Frank  
Ferland, Paul  
Hughes, Christopher  
McCarthy, Gerald  
Rollo, Michael  
Wall, Janet

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Dunlap, Patricia  
Grassie, Anne  
Kaen, Naida  
Pelletier, Marsha  
Spang, Judith

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinzy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

**NAYS 144****BELKNAP**

Bartlett, Gordon  
Wendelboe, Fran

Boyce, Laurie

Holbrook, Robert

Nedeau, Stephen

**CARROLL**

Babson, David Jr  
Mock, Henry

Bradley, Jeb  
Stevens, Stanley

Kenney, Joseph  
Sullivan, P Judith

Lyman, L Randy

**CHESHIRE**

Dexter, Judson  
Liebl, George

Emerson, Susan  
Roberts, William

Fairbanks, Chandler  
Royce, H Charles

Hunt, John  
Smith, Edwin

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Tholl, John Jr
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**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Gabler, William
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Teschner, Douglass	

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Bergeron, Jean-Guy	Bouchard, David	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Dyer, Merton
Elliott, Larry	Fields, Dennis	Furman, Christine	Golding, William
Goulet, Maurice	Graham, John	Guinta, Frank	Hall, Charles
Herman, Keith	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	Lessard, Rudy	McHugh, Claire
McRae, Karen	Mercer, Robert	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald

**MERRIMACK**

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hess, David
Hutchinson, John	Kennedy, Richard	Langer, Ray	Leber, William
Soltani, Tony	Whalley, Michael	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Carson, Sharon	Clark, Vivian	Dodge, Robert	Dowling, Patricia
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Henderson, Warren	Hill, Jonathan	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Letourneau, Robert	Major, Norman	McKinney, Betsy	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Rausch, James	Reardon, Neil
Sapareto, Frank	Stritch, C Donald	Varrell, Thomas	Weich, David
Weyler, Kenneth	Zolla, William		

**STRAFFORD**

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Reid, Christopher	Twombly, James	Woods, Phyllis	

**SULLIVAN**

Rodeschin, Beverly  
and the motion to nonconcur was adopted.

**HB 25-FN-A**, making appropriations for capital improvements.  
Rep. Edwin Smith moved that the House concur and spoke in favor.  
Adopted.

**SENATE MESSAGES****CONCURRENCE**

**HB 103**, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

**HB 135**, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.



- HB 152-FN**, relative to expanding the legal methods of taking deer.
- HB 156**, relative to the detention of juveniles in delinquency proceedings.
- HB 160**, establishing a committee to study the issue of one-day/one-trial jurors.
- HB 197**, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns.
- HB 201**, relative to voters presenting identification to obtain a ballot.
- HB 265**, prohibiting the sale of rolling papers to minors.
- HB 276-FN-A**, relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor.
- HB 288-FN**, relative to the licensure of interpreters for the deaf and hard of hearing.
- HB 296-FN**, relative to receiving stolen property.
- HB 308-FN**, relative to administrative fees added to restitution payments.
- HB 387**, relative to the regulation of dentistry by the board of dental examiners.
- HB 399**, relative to proof of qualifications for voter registration.
- HB 402**, relative to the establishment of a state universal service fund.
- HB 408-FN**, relative to the regulation of nursing by the board of nursing.
- HB 453**, establishing a 4-year term for the commissioner of the department of corrections.
- HB 481**, relative to access to certain communications common carrier records.
- HB 493**, exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act.
- HB 503**, relative to incompatible offices.
- HB 511**, relative to continuing medical education requirements for physicians.
- HB 547**, authorizing participation in a regional electronic toll collection system.
- HB 583**, making certain changes to the underground utility damage prevention system.
- HB 584-FN-A**, relative to the registration and licensure of OHRV dealers and rental agents.
- HB 596**, relative to the acquisition of land by a town.
- HB 653-FN**, relative to certain signs within highway rights-of-way.
- HB 667**, relative to certain reporting requirements and relative to meetings of the board of medicine.
- HB 684**, relative to the occupational therapy practice act.
- HB 698**, relative to verification of checklists.
- HB 719**, relative to the removal of public officials for cause.
- HB 743**, transfers the department of youth development services to the department of health and human services.
- HB 745-FN**, revising Article 9 of the Uniform Commercial Code and related statutes.
- HB 760-FN**, relative to the use of silencing devices for taking game.

### REQUESTS CONCURRENCE WITH AMENDMENTS

- HB 177-FN-A**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. (Two amendments printed SJ 5/31/01 and SJ 6/12/01)
- Rep. Avery moved that the House concur.
- Rep. Kurk spoke in favor.
- Rep. Avery requested a roll call; sufficiently seconded.
- The question being to concur with the Senate amendments.

### YEAS 307 NAYS 3

#### YEAS 307

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Fran

Boyce, Laurie  
Johnson, William  
Rice, Thomas Jr

Czech, Stanley  
Millham, Alida  
Rosen, Ralph

Flanders, Donald  
Nedeau, Stephen  
Russell, David

**CARROLL**

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			

**CHESHIRE**

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Hunt, John	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric	Woodward, David		

**GRAFTON**

Alger, John	Benn, Bernard	Cobb, John	Cooney, Mary
Dudley, Terri	Eaton, Stephanie	Giuda, Robert	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Sova, Charles	Teschner, Douglass	

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clayton, William	Clegg, Robert Jr	Clemons, Jane	Cote, David
Coughlin, Pamela	Craig, James	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Betty	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Johnson, Lionel	Kacavas, John	Keye, Harvey	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leach, Edward
Leishman, Peter	Lessard, Rudy	Lynde, Harold	Martin, Mary Ellen
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Mercer, Robert
Milligan, Robert	Movsesian, Lori	Panagopoulos, Nicholas	Pappas, Marc
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Tahir, Saghir	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald	White, John	Williams, Carol	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Clarke, Claire	Colcord, J D
Crosby, Toni	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Leber, William	Lockwood, Priscilla	MackKay, James
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances

Reardon, Tara  
Soltani, Tony  
Winter, Steven

Rodd, Beth  
Wallner, Mary Jane  
Yeaton, Charles

Rush, Deanna  
Whalley, Michael

Seldin, Gloria  
Whittemore, James

## ROCKINGHAM

Arndt, Janet  
Bowles, Raimond  
Case, Margaret  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Johnson, Robert  
Kelley, William  
Major, Norman  
Norelli, Terie  
Palermo, Diane  
Priestley, Anne  
Reardon, Neil  
Sloan, Stephen  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Bridle, Russell  
Clark, Martha Fuller  
Cox, Russell  
Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Johnson, Rogers  
Kobel, Rudolph  
McGuire, Robert  
Nowe, Ronald  
Pantelakos, Laura  
Putnam, Ed II  
Robertson, Carl  
Splaine, James  
Welch, David

Bishop, Franklin  
Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Kane, Cecelia  
Langley, Jane  
McKinney, Betsy  
O'Keefe, Patricia  
Pitts, Jacqueline  
Quandt, Marshall  
Saia, Pamela  
Stritch, C Donald  
Weyler, Kenneth

Blanchard, MaryAnn  
Carson, Sharon  
Coes, Betsy  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Power, Lucille  
Rausch, James  
Sapareto, Frank  
Trueman, Raymond  
Whittier, John

## STRAFFORD

Albert, Russell  
DeChane, Marlene  
Harrington, Michael  
Kaen, Naida  
Pelletier, Marsha  
Snyder, Clair  
Woods, Phyllis

Bickford, David  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Proulx, Raymond  
Spang, Judith

Brennan, William  
Estabrook, Iris  
Hughes, Christopher  
McCarthy, Gerald  
Reid, Christopher  
Wall, Janet

Callaghan, Frank  
Ferland, Paul  
Johnson, Nancy  
Pelletier, Arthur  
Rollo, Michael  
Woodill, Rodney

## SULLIVAN

Allison, David  
Flint, Gordon Sr  
Leone, Richard  
Rodeschin, Beverly

Burling, Peter  
Harris, Joseph  
Odell, Bob

Cloutier, John  
Harris, Sandra  
Phinizy, James

Ferland, Brenda  
Jones, Constance  
Robb, Amy

## NAYS 3

## BELKNAP

None

## CARROLL

None

## CHESHIRE

None

## COOS

None

## GRAFTON

Mirski, Paul

## HILLSBOROUGH

Balboni, Michael

McRae, Karen

## MERRIMACK

None

## ROCKINGHAM

None

**STRAFFORD**

None

**SULLIVAN**

None

and the motion was adopted.

**RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 21, 2001 at 10:00 a.m.

Adopted.

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming committees of conference only.

Adopted.

The House recessed at 4:50 p.m.

**RECESS****(Rep. Stritch in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 350.

Rep. Nowe, Sen. Pignatelli for the Committee

**RECESS****(Rep. Major in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 303, 370, 532, and 595, and Senate Bills numbered 45, 55, 61, 123, 131 and 150.

Rep. Nowe, Sen. Pignatelli for the Committee

**RECESS****(Rep. Whalley in the Chair)****SENATE MESSAGES****ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003.

The President appointed Sens. Klemm, Barnes, Hollingworth and alternates Sens. Boyce and Gatsas.

**HB 131**, relative to the retention and disposal of certain financial disclosure forms.

The President appointed Sens. Roberge, Barnes and O'Neil.

**HB 132-FN**, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

The President appointed Sens. Gordon, Roberge and Fernald.

**HB 259**, relative to holding sessions for correction of checklists.

The President appointed Sens. Roberge, Disnard and Barnes.

**HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor.

The President appointed Sens. Francoeur, Wheeler and Prescott.



**HB 320-FN**, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

The President appointed Sens. Eaton, Boyce and O'Neil.

**HB 328-FN-L**, relative to fees of sheriffs and deputy sheriffs.

The President appointed Sens. Fernald, Roberge and Prescott.

**HB 337-FN**, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission.

The President appointed Sens. Prescott, Flanders and D'Allesandro.

**HB 351-FN-A-L**, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor.

The President appointed Sens. Gordon, O'Hearn, Boyce and alternates Disnard and Johnson.

**HB 354-FN-A-L**, extending the kindergarten construction program.

The President appointed Sens. Gordon, Disnard and Boyce.

**HB 373**, relative to surety bonds for detective agencies and security services.

The President appointed Sens. Prescott, D'Allesandro and Flanders.

**HB 405**, establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

The President appointed Sens. Boyce, Prescott and McCarley.

**HB 426**, relative to the voluntary scrapie flock certification program.

The President appointed Sens. D'Allesandro, Gatsas and Roberge.

**HB 450**, relative to certain work product under the right-to-know law.

The President appointed Sens. Gordon, Prescott and Fernald.

**HB 451**, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

The President appointed Sens. Boyce, Prescott and Wheeler.

**HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor.

The President appointed Sens. Francoeur, Burns and Hollingworth.

**HB 643-FN**, extending the moratorium on new nursing home beds.

The President appointed Sens. Boyce, Prescott and Wheeler.

**HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty.

The President appointed Sens. Prescott, Flanders and Larsen.

**HB 702**, relative to the duties of the committee to study the consumer protection effort in New Hampshire.

The President appointed Sens. Prescott, Wheeler and Boyce.

**HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

The President appointed Sens. Eaton, D'Allesandro and Burns.

**HB 726-L**, relative to change of school assignment and transfers of public school pupils.

The President appointed Sens. Johnson, Gordon and Below.

## REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 170-FN-A**, repealing the legacies and succession tax. (Two amendments printed SJ 06 /12/01) Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Alukonis, Major, Hess, Kurk and McGuirk.

**HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (Amendment printed SJ 06/12/01)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. George Katsakiores, John Flanders, Letourneau and Peter Cote.

**HB 277-L**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Amendment printed SJ 06/12/01)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Patten, Fairbanks, Scovner and Goodwin.

**HB 315-FN**, relative to the registration of criminal offenders. (Amendment printed SJ 06/12/01)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Karl Gilbert, Knowles, Rodd and Sargent.

**HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. (Amendment printed SJ 06/12/01)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Karl Gilbert, Knowles, Rodd and Sargent.

**HB 543-FN**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. (Amendment printed SJ 06/12/01)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Edwin Smith, Rausch, Morse and Candace W. Bouchard.

**HB 215**, relative to publication of status of cases before the supreme court. (Amendment printed SJ 06/12/01)

Rep. Alukonis moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mock, Dudley, Loren Jean and Wall.

**HB 357**, relative to periodic payments of judgments. (Amendment printed SJ 06/12/01)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mock, John Pratt, Loren Jean and Phyllis Woods.

**HB 444**, relative to mental health services and records. (Amendment printed SJ 06/12/01)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mock, John Pratt, Loren Jean and Phyllis Woods.

**HB 509**, establishing a statute of limitations on spousal support orders. (Amendment printed SJ 06/12/01)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dowling, McHugh, Lionel Johnson and Allison.

**HB 578**, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board. (Amendment printed SJ 06/12/01)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas, Sloan, Leach and Meader.

**HB 588**, relative to examination of persons called as jurors. (Amendment printed SJ 06/12/01)  
Rep. Alukonis moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Mock, John Pratt, Loren Jean and Phyllis Woods.

**HB 707**, establishing a committee to study the usage of 211 as a uniform community service information and referral number. (Two amendments printed SJ 06/12/01)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Jeb Bradley, Thomas, White and Lynde.

**HB 758**, relative to the sale of gasoline containing ethers. (Amendment printed SJ 06/12/01)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Jeb Bradley, Stone, Norelli and Blanchard.

### NONCONCURS WITH AMENDMENTS

#### REQUESTS COMMITTEE OF CONFERENCE

**SB 51**, relative to financial holding companies: cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

The President appointed Sens. Burns, Fernald and Larsen.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Leo Fraser, Taylor and Keye.

**SB 69-FN-A-L**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor

The President appointed Sens. Boyce, Barnes and O'Neil.

Rep. Buckley moved that the House accede.

Adopted.

The Speaker appointed Reps. Elliott, Dudley, Phyllis Woods and Rice.

**SB 139**, relative to uniform electronic transactions.

The President appointed Sens. Boyce, Gordon and D'Allesandro.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Leo Fraser, Martha Fuller Clark and Langley.

**SB 148**, relative to certain penalties for violations of the youth tobacco laws.

The President appointed Sens. Roberge, Fernald and Prescott.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Leo Fraser, Belanger and Batchelder.

**SB 164-FN-A-L**, establishing a comprehensive statewide accountability system concerning an adequate education.

The President appointed Sens. O'Hearn, McCarley and Johnson.

Rep. Alukonis moved that the House accede.

Adopted.

The Speaker appointed Reps. Henderson, Ward, Colcord and Snyder.

**SB 197-FN**, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

The President appointed Sens. Gordon, Prescott and Fernald.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Mock, Rowe, Phyllis Woods and Wall.

**(Rep. Herman in the Chair)**

**SENATE MESSAGES**

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Amendment printed SJ 06/12/01)

Rep. Burling moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Mock, Dudley, Loren Jean and Wall.

**HB 385**, changing the name, membership and duties of the office of volunteerism. (Amendment printed SJ 06/12/01)

Rep. Burling moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Hamel, Peterson, Nelson Allan and Drabinowicz.

**HB 703**, relative to durable powers of attorney. (Two amendments printed SJ 06/12/01)

Rep. Burling moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Rowe, Mock, Craig and John Pratt.

**HB 738**, establishing a commission to assess the operating efficiency of state government. (Two amendments printed SJ 06/12/01)

Rep. Burling moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Poulin, Robertson, Cummings and Schulze.

**RECESS**

**(Rep. Clegg in the Chair)**

**SENATE MESSAGE**

**ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 170-FN-A**, repealing the legacies and succession tax.

The President appointed Sens. Barnes, Eaton, Gatsas, and alternates D'Allesandro and Klemm.

**RECESS**

**(Rep. Herman in the Chair)**

**SENATE MESSAGES**

**NONCONCURS WITH AMENDMENTS**

**REQUESTS COMMITTEES OF CONFERENCE**

**SB 53**, relative to attorneys' fees in certain circumstances under the workers' compensation law.

The President appointed Sens. Flanders, Burns and Wheeler.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Gilman, Clegg, Bridle and Goley.

**SB 95**, relative to campaign contributions limits.

The President appointed Sens. Roberge, Barnes, Francoeur.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Clegg, Arndt, Pappas and Clemons.

**SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

The President appointed Sens. Francoeur, Flanders and Hollingworth.



Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Dyer, Zolla, Cummings and Drabinowicz.

**SB 192-FN**, relative to the issuance of high/medium voltage licenses by the electricians' board.

The President appointed Sens. O'Neil, Prescott and Francoeur.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Dexter, Nelson Allan, Goulet and Clayton.

## **REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 488**, establishing a task force to study certain issues regarding privacy.

## **CONCURRENCES**

**HB 202**, relative to the legislative ethics committee.

**HB 271**, relative to criminal liability for the conduct of another.

**HB 374**, relative to surcharges on pay telephone use.

**HB 390**, relative to the Live-Birth Infants Protection Act.

**HB 446**, relative to spousal and child support enforcement.

**HB 616**, clarifying sessions to be held at the satellite district court in Durham.

**HB 652**, relative to the penalties for reckless or negligent operation of a motor vehicle.

**HB 699**, relative to the rights of non-offending parents in the context of abuse and neglect cases.

## **CONCURRENCE WITH AMENDMENTS**

**SB 21**, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing.

**SB 41**, relative to technical corrections for life, accident and health insurance.

**SB 48**, relative to the rental of shared living facilities.

**SB 99**, relative to the exemption from the community benefits law for charitable trusts.

**SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7.

**SB 109**, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

**SB 149-FN**, changing the definition of "person" with respect to motor vehicle records and certification and permitting certain medical researchers access to motor vehicle records

**SB 157**, relative to state government information dissemination and access.

**SB 168-FN**, relative to education property tax hardship relief.

**SB 170-FN-A**, making certain changes to the excavation tax and excavation activity tax.

**SB 176-FN-A-L**, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

**SB 184**, relative to review of fees for the removal and impoundment of motor vehicles.

**SB 193-FN-A-L**, relative to changes in the property tax system and making an appropriation therefor.

**SCR 2**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

## **RE-REFERRED TO COMMITTEE**

**HB 141-L**, relative to regulation of junk yards.

**HB 193**, establishing a committee to study state payments for court-ordered placements of special education pupils.

**HB 252**, relative to rules promulgated by the supreme court.

**HB 466**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

**HB 495**, relative to judicially appointed officials.

**HB 622**, relative to the time period for the executive council to confirm nominees to the supreme court.  
**HB 669**, requiring certain safety devices on freight locomotives.  
**SB 171-FN**, relative to the negotiation of cost items within the public employee collective bargaining process and relative to computation of leave for state police employees injured in the line of duty.

## RECESS

(Rep. Herman in the Chair)

## ENROLLED BILL AMENDMENTS

**HB 181-FN**, relative to group II retirement system membership for police and corrections officers who become police trainers.

### Amendment (1581-EBA)

Amend RSA 100-A:3, III-b as inserted by section 1 of the bill by replacing line 3 with the following:  
 least ~~[40]~~ 5 years and who becomes a law enforcement training specialist or *who has been a group II member for*  
 Adopted.

**HB 183-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system

### Amendment (1650-EBA)

Amend 2000, 154:1 as inserted by section I of the bill by replacing it with the following:

154:1 New Hampshire Retirement System; County Corrections Personnel; Eligibility for Purchase of Prior Group I Service as Group II Service. At the time any county elects to transfer the corrections officer personnel employed at its correctional facilities from group I to group II retirement system service under the provisions of RSA 100-A:20, III, any corrections officer, who has prior eligible group I service as a corrections officer in a facility of the county in question, *or who has prior group I eligible service as a corrections officer in another county corrections facility in the state* may purchase such service as group II service notwithstanding any provisions of RSA 100-A:20, III to the contrary. Provided, however, that the period of the service must have been performed between the dates of July 24, 1987 and the date of the transfer of the corrections positions *in the respective counties* to group II. A one-time cost of obtaining such prior service credit, determined by the actuarial accrued liability methodology, shall be the responsibility of the member requesting the calculation. An eligible member shall notify the board of trustees of the member's desire to purchase such time and shall purchase such time ~~[within 5 years of the effective date of this act]~~ *prior to July 1, 2006.*  
 Adopted.

**HB 186-FN-A**, establishing a pesticides training program.

### Amendment (1599-EBA)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Authorization for Contingent Renumbering. If any other act of the 2001 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 2001 session laws  
 Adopted.

**HB 302-FN**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage.

### Amendment (1547-EBA)

Amend line 7 of section 2 of the bill by replacing it with the following:  
 annuity payments made to ~~[him]~~ *the member* during ~~[his]~~ *the member's* lifetime shall be paid to the beneficiaries  
 Adopted.

**HB 471-FN**, relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons.

#### **Amendment (1656-EBA)**

Amend RSA 214:9, V as inserted by section 6 of the bill by replacing line 2 with the following: and coyote by the use of traps *when not accompanied by a licensed trapper 18 years of age or* Adopted.

**HB 573**, relative to the role of certain advanced registered nurse practitioners in the state mental health services system

#### **Amendment (1600-EBA)**

Amend RSA 135:21-b as inserted by section 1 of the bill by replacing line 2 with the following: *health advanced registered nurse practitioner*, or a person acting under [his] *such physician's* Amend RSA 135-C:2, II-a as inserted by section 2 of the bill by replacing line 4 with the following: individuals who have mental illness, as defined in paragraph X of this section, and who meets any Adopted.

**HB 579**, relative to nominating a political organization by nomination papers.

#### **Amendment (1602-EBA)**

Amend the bill by replacing all after section 2 with the following:

3 Nomination Papers; Number; HB 677 Amendment. Amend RSA 655:42, III to read as follows:

III. It shall require the names of registered voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political [party] *organization*.

4 Contingency. If HB 677 of the 2001 regular session becomes law, section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 677 and section 2 of this act shall not take effect. If HB 677 of the 2001 regular session does not become law, section 2 of this act shall take effect 60 days after its passage and section 3 of this act shall not take effect.

5 Nomination by Nomination Papers; "Party" Changed to "Organization"; HB 224 Amendment. Amend RSA 655:40-40-b to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political [party] *organization* or principles the candidate represents. Nomination papers shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign an individual nomination paper.

655:40-a Nomination of [Party] *Organization*. A political [party] *organization* may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political [party] *organization* and shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper which allows a political [party] *organization* access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political [party] *organization* nominated pursuant to RSA 655:40-a shall be submitted to the secretary of state no later than 5:00 p.m. on the Monday immediately following the primary. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

6 Contingency. If HB 224 of the 2001 regular session becomes law, section 5 of this act shall take effect at 12:01 a.m. on the effective date of HB 224 and section 1 of this act shall not take effect. If HB 224 of the 2001 regular session does not become law, section 1 of this act shall take effect 60 days after its passage and section 5 of this act shall not take effect.

7 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

II. Sections 1 and 5 of this act shall take effect as provided in section 6 of this act.

III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 740**, relative to decommissioning of nuclear electric generating facilities.

**Amendment (1604-EBA)**

Amend paragraph VII of section 1 of the bill by replacing line 4 with the following:  
for such costs; and

Amend RSA 162-F:19, II as inserted by section 8 of the bill by replacing line 3 with the following:  
for decommissioning, or the demolition and removal of facilities constructed as part of any uncompleted  
Adopted.

**HB 745-FN**, revising Article 9 of the Uniform Commercial Code and related statutes.

**Amendment (1714-EBA)**

Amend line 1 of RSA 382-A:309 as inserted by section 25 of the bill to read as follows:

382-A:9-309 Security Interest Perfected Upon Attachment. The following security interests are

Amend line 1 of RSA 382-A:317 as inserted by section 25 of the bill to read as follows:

382-A:9-317 Interests That Take Priority Over or Take Free of Security Interest or Agricultural

Amend line 1 of RSA 382-A:318 as inserted by section 25 of the bill to read as follows:

382-A:9-318 No Interest Retained in Right to Payment That is Sold; Rights and Title of Seller of

Amend line 1 of RSA 382-A:319 as inserted by section 25 of the bill to read as follows:

382-A:9-319 Rights and Title of Consignee with Respect to Creditors and Purchasers.

Amend line 1 of RSA 382-A:320 as inserted by section 25 of the bill to read as follows:

382-A:9-320 Buyer of Goods.

Amend line 1 of RSA 382-A:340 as inserted by section 25 of the bill to read as follows:

382-A:9-340 Effectiveness of Right of Recoupment or Set-Off Against Deposit Account.

Amend line 1 of RSA 382-A:9-529 as inserted by section 25 of the bill to read as follows:

382-A:9-529 Fraudulent Filing.

Adopted.

**HB 753**, relative to exemptions from issuer-dealer licenses for the sale of securities.

**Amendment (1645-EBA)**

Amend RSA 421-B:6, I-a as inserted by section 1 of the bill by replacing line 2 with the following:

Securities Act of 1933 that requires only a notice filing in this state pursuant to RSA 421-B:11, I-a(e),

Adopted.

**HCR 5**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation.

**Amendment (1562-EBA)**

Amend the resolution by replacing line 8 with the following:

New Hampshire to develop new capacity for municipal solid waste disposal; and

Adopted.

RECESS

(Rep. Herman in the Chair)

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 215**, relative to publication of status of cases before the supreme court.

The President appointed Sens. Gordon, Roberge and Pignatelli.



**HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

The President appointed Sens. Francoeur, Prescott and Fernald.

**HB 277-L**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

The President appointed Sens. Gordon, Roberge and Fernald.

**HB 315-FN**, relative to the registration of criminal offenders.

The President appointed Sens. Roberge, Prescott and Pignatelli.

**HB 357**, relative to periodic payments of judgments.

The President appointed Sens. Gordon, Fernald and Prescott.

**HB 385**, changing the name, membership and duties of the office of volunteerism.

The President appointed Sens. Eaton, Francoeur and Wheeler.

**HB 444**, relative to mental health services and records.

The President appointed Sens. Gordon, Pignatelli and Fernald.

**HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

The President appointed Sens. Roberge, Prescott and Pignatelli.

**HB 509**, establishing a statute of limitations on spousal support orders.

The President appointed Sens. Gordon, Roberge and Pignatelli.

**HB 543-FN**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

The President appointed Sens. Barnes, Johnson and Hollingworth.

**HB 578**, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

The President appointed Sens. Roberge, Boyce and Below.

**HB 588**, relative to examination of persons called as jurors.

The President appointed Sens. Gordon, Larsen and Roberge.

**HB 703**, relative to durable powers of attorney.

The President appointed Sens. Gordon, Roberge and Fernald.

**HB 707**, establishing a committee to study the usage of 211 as a uniform community service information and referral number.

The President appointed Sens. Gordon, Wheeler and Flanders.

**HB 758**, relative to the sale of gasoline containing ethers.

The President appointed Sens. Below, Prescott and Johnson.

## RECESS

(Rep. Clegg in the Chair)

## SENATE MESSAGES

## CONCURRENCE WITH AMENDMENT

**SB 54**, relative to the transfer of funds in the community-technical college system.

## ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 738**, establishing a commission to assess the operating efficiency of state government.

The President appointed Sens. Francoeur, Roberge and O'Neil.

## RECESS

(Rep. Whalley in the Chair)

## SENATE MESSAGE

### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

The President appointed Sens. Eaton, Flanders and O'Neil.

### ENROLLED BILL AMENDMENTS

**SB 76-FN**, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses. (Amendment printed SJ 06/12/01) Adopted.

**SB 84**, relative to funeral processions. (Amendment printed SJ 06/12/01) Adopted.

**SB 106**, relative to consumers' cooperative associations. (Amendment printed SJ 06/12/01) Adopted.

### RECESS

(Rep. Bridle in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 105, 112, 123, 158, 164, 219, 305, 310, 311, 347, 371, 388, 394, 396, 413, 442, 443, 459, 477, 501, 520, 534, 570, 580, 590, 591, 606, 610, 612, 615, 635, 637, 677, 720, 769 and House Joint Resolution 5, and Senate Bills numbered 19, 20, 46, 47, 57, 58, 62, 82, 83, 98, 100, 107, 121, 132, 134, 144, 147, 165, 174 and 190.

Rep. Nowe, Sen. Wheeler for the Committee

### RECESS

(Speaker Chandler in the Chair)

### CONFEREE CHANGES

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003.

Rep. Holbrook replaced Rep. Stone as an alternate member.

Rep. Chandler replaced Rep. Wallner.

**HB 132-FN**, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

Reps. Karl Gilbert and Sargent replaced Reps. Nedeau and Jones.

**HB 170-FN-A**, repealing the legacies and succession tax.

Reps. Sapareto and Almy added as alternate members.

Rep. Herman replaced Rep. McGuirk.

**HB 315-FN**, relative to the registration of criminal offenders.

Rep. Tholl replaced Rep. Rodd.

**HB 373**, relative to surety bonds for detective agencies and security services.

Rep. Robertson replaced Rep. Dexter.

**HB 385**, changing the name, membership and duties of the office of volunteerism.

Rep. Dyer replaced Rep. Nelson Allan.

**HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

Rep. Tholl replaced Rep. Rodd.

**HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor.

Rep. Schulze replaced Rep. Pawlek.

**HB 703**, relative to durable powers of attorney.

Rep. Espieffs replaced Rep. Craig.

**HB 738**, establishing a commission to assess the operating efficiency of state government.

Rep. Zolla replaced Rep. Cummings.

**HB 758**, relative to the sale of gasoline containing ethers.

Rep. Holbrook replaced Rep. Stone.

**SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

Rep. Poulin replaced Rep. Cummings.

**SB 130**, extending the period in which an expired electrician's license may be renewed.

Rep. Charles Hall replaced Rep. Dexter.

**SB 192-FN**, relative to the issuance of high/medium voltage licenses by the electricians' board.

Rep. Poulin replaced Rep. Dexter.

Rep. Schulze replaced Rep. Nelson Allan.

## RECESS

### (Speaker Chandler in the Chair)

Rep. Scanlan moved that the House adjourn.

Adopted.

## THURSDAY, JUNE 21, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

The Speaker declared that a quorum was not present.

Rep. Scanlan moved that the House adjourn until June 26, 2001 at 10:00 a.m.

Adopted.

## HOUSE JOURNAL No. 22

Tuesday, June 26, 2001

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the podium for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Dear Creator of all, we thank You for the blessings of this day and for the privilege and honor of living in New Hampshire. Bless this good House with a spirit of openness, care and respect as each member seeks to follow their conscience and wisdom for the good of their constituents. Help mend the relationships of members assembled here so that they might govern with a quiet mind, display the giftedness of democracy and proceed soon from this session into a bright, restful and safe summer recess. Amen.

Rep. Frank Callaghan led the Pledge of Allegiance.

Jacqueline Connerty, daughter of Rep. McHugh, sang our National Anthem.

### LEAVES OF ABSENCE

Reps. Barker, Langone, McDonough-Wallace, Irene Pratt and Tate, the day, illness.

Reps. David Bouchard, Cardin, Chabot, Czech, Dionne, Duval, Giuda, Heon, Langer and Woodward, the day, important business.

Reps. Landers and Brown, the day, illness in the family.

### INTRODUCTION OF GUESTS

George McHugh and Joshua Connerty, husband and grandson of Rep. McHugh. Lisa, Chase and Gabrielle L'Heureux, wife, son and daughter and Richard and Diane Mathews, guests of Rep. Stephen L'Heureux. Mr. & Mrs. Miller, guests of Rep. Leach. Barbara Brewster and Audry Schaffer, wife and guest of Rep. Brewster. Jack Wozmach and Sheryl Trombly, guests of the Cheshire County Delegation.

### SPECIAL GUESTS

High school students representing Democracy in Practice – Youth Voter Alliance: Jen Peterson, Stephen DeMaura, Marisa Westheimer, Leana Fallon, Annie Keough, Kate Strayer Benton, Brian Christensen, Mike Borden, Austin Faison, Amanda D'Agostino, Anna Peterson, Stephanie Lundberg and Ross Kukis, guests of the House.

### RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1101 through 1117, and House Concurrent Resolutions numbered 20 and 21 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS and HCRs

#### First, second reading and referral

**HB 1101**, relative to the payment date for county taxes. (Jones, Sull 3; Leone, Sull 2: Municipal and County Government)

**HB 1102**, establishing a committee to study a hazardous waste coordinator certification program. (P. Allen, Ches 7; Melcher, Hills 11; Phinizy, Sull 7; Cohen, Dist 24: Environment and Agriculture)

**HB 1103**, establishing a committee to study the budget process. (Thulander, Hills 6; Kurk, Hills 5; Stone, Rock. 7; Major, Rock 16: Legislative Administration)

**HB 1104**, establishing the Danny Carswell Memorial Patrol Shed in the town of Merrimack. (DeChane, Straf 6; Marshall Quandt, Rock 20; Matthew Quandt, Rock 20; Woodill, Straf 2; Proulx, Straf 12; Roberge, Dist 9: Public Works and Highways)



**HB 1105**, relative to the appointment of non-certified employees within a school administrative unit. (Sova, Graf 11: Education)

**HB 1106**, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. (Whalley, Merr 5; Royce, Ches 9; Francoeur, Dist 14: Legislative Administration)

**HB 1107**, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services. (Dowling, Rock 13: Children and Family Law)

**HB 1108**, relative to personal appearance by law enforcement officers at administrative license suspension hearings. (Tholl, Coos 5; Welch, Rock 18; Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 1109**, establishing a commission to study problems related to the delivery of local assistance. (W. Johnson, Belk 4; MacKay, Merr 24; Pilliod, Belk 3; Millham, Belk 4; Wallner, Merr 24; Wheeler, Dist 21: Municipal and County Government)

**HB 1110**, relative to the sale of ferrets. (Phinizy, Sull 7: Environment and Agriculture)

**HB 1111**, establishing a committee to study regulation and procedures for lake level investigations and orders. (Phinizy, Sull 7: Resources, Recreation and Development)

**HB 1112**, relative to the notice period for hearings on excavation permits. (Sloan, Rock 12: Municipal and County Government)

**HB 1113**, relative to boating on Sandogardy Pond in the town of Northfield. (Lockwood, Merr 9: Resources, Recreation and Development)

**HB 1114**, establishing a committee to study the state's real estate leasing practices and requirements. (Emerton, Hills 7: Commerce)

**HB 1115**, relative to the procedure for assignment of juvenile probation and parole officers. (Lyman, Carr 5: Children and Family Law)

**HB 1116**, establishing a committee to study the feasibility of placing state liquor stores at the Manchester airport and at the Pease International Tradeport. (Power, Rock 13; McHugh, Hills 26; Holden, Hills 7: Public Works and Highways)

**HB 1117**, establishing a committee to study the effects of prohibiting adverse possession in New Hampshire. (Dowling, Rock 13: Judiciary)

**HCR 20**, encouraging trade with the Central American Northern Triangle. (Thompson, Hills 47: State-Federal Relations and Veterans Affairs)

**HCR 21**, urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001. (L. Fraser, Merr 9; Spiess, Hills 14; Crosby, Merr 20: Commerce)

## RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 199 and 201, and Constitutional Amendment Concurrent Resolution numbered 16 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

**SB 199**, relative to the voting procedures for authorizing certain capital projects in interstate school districts. (Education)

**SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program. (Labor, Industrial and Rehabilitative Services)

**CACR 16**, relating to procedure for nomination and review of judges. Providing that judges shall be nominated and selected by an independent commission and reviewed every 10 years thereafter. (Judiciary)

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 135, 140, 152, 156, 160, 177, 181, 183, 186, 197, 201, 208, 210, 261, 265, 275, 276, 296, 302, 308, 326, 387, 399, 453, 471, 481, 493, 503, 511, 573, 579, 583, 596, 648, 653, 659, 684, 698, 719, 740, 745, 753, 760, and Senate Bills numbered 63, 84, 106 and 167.

Rep. Nowe, Sen. Pignatelli for the Committee

**ENROLLED BILL AMENDMENTS**

**SB 152-FN**, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. (Amendment printed SJ 06/26/01)

Adopted.

**HB 25-FN-A**, making appropriations for capital improvements.

**Amendment (1685-EBA)**

Amend section 14 of the bill by replacing lines 2-4 with the following:  
for the biennium ending June 30, 2003, is hereby appropriated to the department of transportation, division of public works for the purpose of preparing the reports required by section 13 of this act. This appropriation shall be in addition to any other sums appropriated to

Amend section 22 of the bill by replacing line 3 with the following:

10. Equipment upgrade[~~DASD~~] \* 200,000

Amend section 27 of the bill by replacing line 2 with the following:  
trustees of the university system of New Hampshire shall commence a study of the feasibility and  
Adopted.

**HB 103**, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

**Amendment (1830-EBA)**

Amend section 2 of the bill by replacing lines 1-2 with the following:

2 Pistols and Revolvers; Possession of Deadly Weapon While Committing a Violent Crime.

Amend RSA 159:15, I to read as follows:

Adopted.

**HB 288-FN**, relative to the licensure of interpreters for the deaf and hard of hearing.

**Amendment (1706-EBA)**

Amend RSA 326-I:5, I as inserted by section 1 of the bill by replacing line 4 with the following:  
examinations and examiners used by the Registry of Interpreters for the Deaf or the National  
Amend RSA 326-I:6, IV (d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) Students exempted under RSA 326-I:8.

Adopted.

**HB 361**, establishing a committee to study certain policies and procedures in the department of corrections.

**Amendment (1813-EBA)**

Amend section 3 of the bill by replacing lines 2 and 3 with the following:

I. Investigate and make recommendations concerning staffing levels on each shift within the department's facilities.

Amend paragraph IV of section 3 of the bill by replacing line 1 with the following:

IV. Study any other issue which the committee deems relevant to its purpose

Adopted.

**HB 402**, relative to the establishment of a state universal service fund.

**Amendment (1741-EBA)**

Amend section 3 of the bill by replacing lines 1-2 with the following:

3 New Subdivision; Affordable Telephone Service. Amend RSA 374 by inserting after section 22-o the following new subdivision:

Intrastate Telephone Service.

Adopted.

**HB 412**, relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.

**Amendment (1686-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring the public higher education study committee to study the feasibility of granting state franchise rights to providers of on-line education courses.

Adopted.

**HB 554-FN**, establishing a division of information technology within the department of safety.

**Amendment (1833-EBA)**

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Contingency. If HB 303-FN-A-LOCAL of the 2001 regular session becomes law, then RSA 21-P:12-d as inserted by section 2 of this act shall be renumbered as RSA 21-P:12-f

Adopted.

**HB 584-FN-A**, relative to the registration and licensure of OHRV dealers and rental agents.

**Amendment (1774-EBA)**

Amend RSA 215-A:1, III-a, as inserted by section 1 of the bill by replacing line 2 with the following: or demonstrates for sale vehicles on consignment to the general public. There shall be a rebuttable

Amend RSA 215-A:26, II as inserted by section 5 of the bill by replacing line 6 with the following: used [by him] for rental. When renting OHRVs, any person shall be required to use rental [plates]

*decals*, if

Adopted.

**HB 667**, relative to certain reporting requirements and relative to meetings of the board of medicine.

**Amendment (1790-EBA)**

Amend RSA 329:2, I as inserted by section 2 of the bill by replacing line 2 with the following:

selected from among physicians and surgeons, one member selected to represent [~~paramedical personnel~~] *physician assistants*

Amend section 3 of the bill by replacing lines 2 and 3 with the following:

RSA 329:4 is repealed and reenacted to read as follows:

329:4 Appointment; Term; Removal.

I. The commissioner or the medical director of the department of health and human services Amend RSA 329:16-e as inserted by section 8 of the bill by replacing line 3 with the following:

required to pay double the renewal fee. Any failure, neglect, or refusal on the part of any person

Amend RSA 329:17, IV as inserted by section 9 of the bill by replacing line 2 with the following:

*ambulatory surgical center*, or other health care facility within the state shall report to the board

Adopted.

**HB 764**, relative to the criminal offense of kidnapping.

**Amendment (1788-EBA)**

Amend section 1 of the bill by replacing line 7 with the following:

paragraph shall not apply to law enforcement personnel or department of health and human

Adopted.

**CONSENT CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS**

Rep. Scanlan moved that the Consent Calendar of Committee of Conference Reports on Senate Bills, as printed and distributed, be adopted.

Consent Calendar adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 51**

Committee of Conference Report on SB 51, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Committee to Study the Regulation of Cash Dispensing Machines.

I. There is established a committee to study the regulation of cash dispensing machines and their operators, servicing agents, and processors.

II.(a) The members of the committee shall be as follows:

(1) Two members of the house of representatives, appointed by the speaker of the house.

(2) Two members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The duty of the committee shall be to study the regulation of cash dispensing machines and their operators, servicing agents, and processors.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

Conferees: Sens. Burns, Dist. 1; Fernald, Dist. 11; Larsen, Dist. 15.

Conferees: Reps. Hunt, Ches. 10; Leo Fraser, Merr. 9; Taylor, Straf. 11; Keye, Hills. 30.

### **COMMITTEE OF CONFERENCE REPORT ON SB 53**

Committee of Conference Report on SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Klemm, Dist. 22; Burns, Dist. 1; Wheeler Dist. 21.

Conferees: Reps. Gilman, Graf. 1; Clegg, Hills. 23; Bridle, Rock. 22; Goley, Hills. 37.

### **COMMITTEE OF CONFERENCE REPORT ON SB 68**

Committee of Conference Report on SB 68, relative to school district placements of children living in foster homes.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 193:28, I as inserted by section 2 of the bill by replacing it with the following:

*I. The public schools of the school district that the child attended prior to placement, if continuing in the same school district is in the best interest of the child as determined by the court, if the home is within a reasonable distance of the school to be attended, and if suitable transportation can be arranged without imposing additional transportation costs on a school district or the department of health and human services; or*

Conferees: Sens. Gordon, Dist. 2; O'Hearn, Dist. 12; Disnard, Dist. 8.

Conferees: Reps. Dearborn, Rock. 23; Colcord, Merr. 2; Sova, Graf. 11; Claire Clarke, Merr. 4.

### **COMMITTEE OF CONFERENCE REPORT ON SB 69**

Committee of Conference Report on SB 69-FN-A-L, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Boyce, Dist. 4; Barnes, Dist. 17; O'Neil, Dist. 18.

Conferees: Reps. Elliott, Hills. 2; Dudley, Graf. 14; Phyllis Woods, Straf. 11; Rice, Belk. 7.



**COMMITTEE OF CONFERENCE REPORT ON SB 74**

Committee of Conference Report on SB 74, relative to providing services under the child protection act.

**Recommendation:**

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees: Sens. Gordon, Dist. 2; Pignatelli, Dist. 13; Roberge, Dist. 9.

Conferees: Reps. Lyman, Carr. 5; Gile, Merr. 16; Gargas, Hills. 22; Palermo, Rock. 21.

**COMMITTEE OF CONFERENCE REPORT ON SB 130**

Committee of Conference Report on SB 130-FN, extending the period in which an expired electrician's license may be renewed.

**Recommendation:**

Having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Prescott, Dist. 19; O'Neil, Dist. 18; Francoeur, Dist. 14.

Conferees: Reps. Poulin, Merr. 14; Charles Hall, Hills. 18; Dyer, Hills. 8; Schulze, Hills. 33.

**COMMITTEE OF CONFERENCE REPORT ON SB 139**

Committee of Conference Report on SB 139, relative to uniform electronic transactions.

**Recommendation:**

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Contingency. If HB 745 of the 2001 legislative session becomes law, then section 2 of this act shall not take effect. If HB 745 of the 2001 legislative session does not become law, then section 2 of this act shall take effect 60 days after its passage.

5 Effective Date.

I. Section 2 of this act shall take effect as provided in section 4.

II. The remainder of this act shall take effect 60 days after its passage.

Conferees: Sens. Boyce, Dist. 4; Gordon, Dist. 2, D'Allesandro, Dist. 20.

Conferees: Reps. Hunt, Ches. 10; Leo Fraser, Merr. 9; Martha Fuller Clark, Rock. 36; Langley, Rock 24.

**COMMITTEE OF CONFERENCE REPORT ON SB 148**

Committee of Conference Report on SB 148, relative to certain penalties for violations of the youth tobacco laws.

**Recommendation:**

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 1 - 4 with the following:

1 Sale and Distribution of Tobacco Products to Minors Prohibited; License Revocation. Amend RSA 126-K:4, II to read as follows:

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall

range from \$ 750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license *for the business or business entity at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

2 Distribution of Free Samples of Tobacco Products to Minors; License Revocation. Amend RSA 126-K:5, III to read as follows:

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the sampler's license shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license *for the business or business entity at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

3 Youth Access to Tobacco Products; Special Provisions; Penalty Provisions Amended. Amend RSA 126-K:8, IV to read as follows:

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license *for the business or business entity at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

4 Vending Machines; License Revocation. Amend RSA 78:12-d, VII to read as follows:

Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than \$100 for a first offense and no more than \$200 for a second offense. For the third offense, the commissioner shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commissioner shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commissioner shall revoke any license *for the business or business entity at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered*

Conferees: Sens. Roberge, Dist. 9; Fernald, Dist. 11; Prescott, Dist. 19.

Conferees: Reps. Hunt, Ches. 10; Leo Fraser, Merr. 21; Belanger, Rock. 26; Batchelder, Ches. 2.

## COMMITTEE OF CONFERENCE REPORT ON SB 192

Committee of Conference Report on SB 192-FN, relative to the issuance of high/medium voltage licenses by the electrician's board.

### Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. O'Neil, Dist. 18; Prescott, Dist. 19; Francoeur, Dist. 14.

Conferees: Reps. Poulin, Merr. 14; Schulze, Hills. 33, Goulet, Hills. 15; Clayton, Hills. 39.

## REGULAR CALENDAR

## COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

### COMMITTEE OF CONFERENCE REPORT ON SB 18

Committee of Conference Report on SB 18, relative to termination of small trusts.

### Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Conferees: Sens. Gordon, Dist. 2; Roberge, Dist. 9; Pignatelli, Dist. 13.

Conferees: Reps. Craig, Hills. 38; Rowe, Hills. 14; Reid, Straf. 12; Espieffs, Ches. 19.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 95

Committee of Conference Report on SB 95, relative to campaign contribution limits.

### Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Political Calendar. Amend RSA 652:21 to read as follows:

652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. ~~[Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws.]~~ The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity ~~[expressly]~~ advocating the election or defeat of a clearly identified candidate which are *not* made ~~[without]~~ *in* cooperation or consultation *or conjunction or coordination* with any candidate, or any authorized committee or agent of such candidate, and which are not made in ~~[concert]~~ *coordination* with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

3 New Paragraph; Political Expenditures and Contributions; Definitions; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

4 Prohibited Political Contributions; General Limitations. Amend RSA 664:4, V to read as follows:



V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his *or her* own candidacy, [~~or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a;~~] (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or [his] *the candidate's* fiscal agent, a political committee or its treasurer, or not to any one of the same.

5 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6 and 664:7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions exceeding \$500 that are received after the statement under this paragraph is filed and prior to the day of election.

IV. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the second Wednesday after a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the previous statements, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the previous report up until the day of the primary or general election.

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500, the committee shall file a statement at the next reporting deadline.

VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. In addition to the itemized statements required by paragraphs I-VI of this section, any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period



during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

IX. Any national political committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

X. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

#### 664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. Any candidate who files expenditure reports pursuant to the provisions of this paragraph, and who pays more than \$5,000 to any person who makes expenditures on behalf of the candidate, shall file an itemized account of the expenditures made by the person on behalf of the candidate in the expenditure report filed on the Wednesday preceding the primary or general election.

II. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

6 New Sections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b.

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding \$50 shall include disclosure information. The disclosure information shall include the name; home or post office address; employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XIX, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

# 664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the official Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, and county office.

7 Examination of Statements of Receipts and Expenditures. Amend RSA 664:19 to read as follows:

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to *obtain and* examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

8 Political Expenditures and Contributions; Applicability of Chapter; Limitations Deleted. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall not apply to presidential preference primaries. The provisions relating to political advertising, RSA 664:14 through 17-a, shall additionally apply to city, town, school district, and village district elections. ~~[The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, shall additionally apply to elections for United States senator and representative to Congress.]~~

9 Political Expenditures and Contributions; Penalty. Amend RSA 664:21, IV-V to read as follows:

IV. ~~[In addition to the fines levied under paragraph I.]~~ Any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the report or statement is actually filed, except that candidates for the general court shall be subject to a daily fine of \$5 under this paragraph.

V. ~~[The provisions of this paragraph shall apply to violations of this chapter other than the violation of RSA 664:5-a and 5-b, and]~~ A person liable under the provisions of this paragraph shall not also be subject to the penalties imposed under ~~[paragraphs I, H and]~~ paragraph IV. Any person who ~~[otherwise]~~ violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

10 Nominations; Incompatible Offices; Return of Fee. Amend RSA 655:10 to read as follows:

655:10 Incompatible Offices. No person shall file declaration of candidacy or primary petitions for nomination at the primary for incompatible offices. For the purposes of this section incompatible offices shall include the offices of governor, representative to the general court, state senator, and councilor. If any person shall file for such incompatible offices, the secretary of state shall advise the person of the provisions hereof and said person shall then advise the secretary of state which of said offices ~~[he]~~ *the person* wishes to retain in order to seek said nomination. If ~~[a filing fee]~~ *an administrative assessment* has been paid for a declaration of candidacy which ~~[he]~~ *the person* declines the fee shall be returned to ~~[him]~~ *the person*. No person shall seek or hold the position as a member of the general court and county commissioner at the same time. No person shall hold 2 of the offices mentioned in RSA 655:9 at the same time, and the acceptance of one of them shall be a resignation of the others.

11 Nominations; Posting Notice of Primary; Administrative Assessment. Amend RSA 655:12 to read as follows:

655:12 Posting Notice of Primary. Each city clerk shall distribute ~~[such]~~ *the* notices *required by RSA 655:11* to the ward clerks in ~~[his]~~ *the* city. Each town and ward clerk shall, within 10 days after the receipt of such notice, cause notice of such primary to be posted in 2 public places in ~~[his]~~ *the* town or ward. Such notice shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659. It shall state the offices for which candidates are to be nominated, the delegates to be elected, and any questions to be voted on, as well as the location of the central polling place and of any additional polling places. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at

such primary, the officers with whom they must be filed, the [fees] *administrative assessments* to be paid at the time of filing such papers, and the number of primary petitions which may be submitted in lieu of the [filing fees] *administrative assessments*.

12 Nominations; Filing: General Provisions; Fees and Petitions Deleted. Amend RSA 655:14 to read as follows:

655:14 Filing: General Provisions. The name of any person shall not be printed upon the ballot of any party for a primary unless [he] *the person* is a registered member of that party, [he] *the person* shall have met the age and domicile qualifications for the office he *or she* seeks at the time of the general election, [he] *the person* meets all the other qualifications at the time of filing, and [he] *the person* shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17[~~and~~

I. The appropriate filing fee as provided in RSA 655:19; or

H. The appropriate number of primary petitions as provided in RSA 655:20 and 655:22 and an assent to candidacy as provided in RSA 655:25].

13 Nominations; Administrative Assessment, Primary Petitions, and Nomination Papers. Amend RSA 655:19-c to read as follows:

655:19-c Administrative Assessment; Primary Petitions; Nomination Papers.

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III [in addition to the filing fee and primary petition requirements of RSA 655:19 and 655:20]. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I [in addition to the filing fee required by RSA 655:19] and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. [Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b.] At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

(a) For governor and United States senator, \$100.

(b) For representative to Congress, \$50.

(c) For executive councilor, \$25.

(d) For state senator, \$10.

(e) For county officer, \$10.

(f) For state representative, \$2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by [him] *the secretary of state* into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his *or her* name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

14 Write-In Votes and Nomination; Filing Fees Deleted. Amend RSA 659:88, I(b) to read as follows:

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the second Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general



election." ~~[A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19-b relative to filing fees. The person may have the filing fee waived if he is unable to pay the fee by reason of indigency.]~~ Such person shall not~~[, however,]~~ be required to pay the administrative assessment under RSA 655:19-c.

15 Repeal. The following are repealed:

I. RSA 655:19, relative to filing fees.

II. RSA 655:19-b, relative to waiver of filing fee and primary petitions.

III. RSA 655:20, relative to primary petitions.

IV. RSA 655:22, relative to number of petitions.

V. RSA 664:4, II, relative to prohibited political contributions by partnerships.

VI. RSA 664:5-a, relative to limitations on political expenditures.

VII. RSA 664:5-b, relative to political expenditure limitation amounts.

VIII. RSA 664:21, I-II, relative to campaign expenditure limitation penalties.

IX. 1998, 135, relative to waiver of filing fees and petitions for state candidates.

16 Effective Date. This act shall take effect January 1, 2002.

Conferees: Sens. Roberge, Dist. 9; Barnes, Dist. 17; Francoeur, Dist. 14.

Conferees: Reps. Clegg, Hills. 23; Arndt, Rock. 27; Pappas, Hills. 48; Clemons, Hills. 31.

Reps. Jacobson, John Pratt and Vaillancourt spoke against.

Rep. Gilmore spoke against and yielded to questions.

Reps. Clemons and Clegg spoke in favor.

Rep. Bragdon requested a roll call; sufficiently seconded.

The questions being adoption of the Committee of Conference report.

## YEAS 196 NAYS 159

### YEAS 196

#### BELKNAP

Bartlett, Gordon  
Nedeau, Stephen  
Wood, Jane

Boyce, Laurie  
Rosen, Ralph

Holbrook, Robert  
Russell, David

Lawton, David  
Thomas, John

#### CARROLL

Dickinson, Howard  
Patten, Betsey  
Torresen, Gary

Kenney, Joseph  
Quimby, Lee

Lyman, L Randy  
Stevens, Stanley

Mock, Henry  
Sullivan, P Judith

#### CHESHIRE

Avery, Stephen  
Fairbanks, Chandler  
Royce, H Charles

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Mitchell, McKim

Emerson, Susan  
Roberts, William

#### COOS

Guay, Lawrence  
Rodrigue, Robert

Horton, Lynn  
Rozek, Michael

Mears, Edgar

Pratt, Leighton

#### GRAFTON

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
Scanlan, David

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Sova, Charles

Cobb, John  
Gabler, William  
Mirski, Paul

Cooney, Mary  
Gilman, G Michael  
Naro, Debra

#### HILLSBOROUGH

Alukonis, David  
Balboni, Michael  
Brundige, Robert  
Clegg, Robert Jr  
Coughlin, Pamela

Andosca, Mary  
Batula, Peter  
Buckley, Raymond  
Clemons, Jane  
Desrosiers, William

Arnold, Thomas Jr  
Bellavance, Paul  
Calawa, Leon Jr  
Cote, David  
Elliott, Larry

Artz, Lawrence  
Bergeron, Jean-Guy  
Clayton, William  
Cote, Peter  
Emerton, Lawrence Sr



Fields, Dennis  
Gorman, Mary  
Hall, Charles  
Jean, Loren  
Kurk, Neal  
Lessard, Rudy  
Milligan, Robert  
Panagopoulos, Nicholas  
Rowe, Robert  
Souza, Kathleen  
Wheeler, Robert

Foster, Linda  
Goulet, Maurice  
Herman, Keith  
Kacavas, John  
LaFlamme, Paul  
McHugh, Claire  
Moran, Edward  
Pappas, Marc  
Sargent, Maxwell  
Sweeney, Cynthia  
White, Donald

Furman, Christine  
Greenberg, Gary  
Hopper, Gary  
Keye, Harvey  
Lasky, Bette  
McRae, Karen  
Movsesian, Lori  
Pepino, Leo  
Schulze, Joan  
Thompson, Rob

Goley, Jeffrey  
Guinta, Frank  
Jean, Claudette  
Konys, Christine  
Lefebvre, Roland  
Mercer, Robert  
Palangas, Eric  
Reeves, Sandra  
Seibel, Christopher  
Thulander, O Alan

### MERRIMACK

Cummings, Raymond  
Fraser, Marilyn  
Leber, William  
Soltani, Tony

Daneault, Gabriel  
Hess, David  
MacKay, James  
Whalley, Michael

Dunne, Christopher  
Hutchinson, John  
Reardon, Tara  
Winter, Steven

Fraser, Leo Jr  
L'Heureux, Stephen  
Rush, Deanna

### ROCKINGHAM

Belanger, Ronald  
Carson, Sharon  
Dearborn, Bruce  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Pitts, Jacqueline  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Whittier, John

Bishop, Franklin  
Clark, Martha Fuller  
Downing, Michael  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
McGuire, Robert  
Packard, Sherman  
Power, Lucille  
Quandt, Matthew  
Saia, Pamela  
Weatherspoon, Jacquelyne  
Woekel, Ralph

Bridle, Russell  
Corbin, Corey  
Fesh, Bob  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, William  
McKinney, Betsy  
Palermo, Diane  
Priestley, Anne  
Rabideau, Marie  
Sloan, Stephen  
Welch, David

Camm, Kevin  
Dalrymple, Janeen  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Letourneau, Robert  
Morse, Charles  
Pantelakos, Laura  
Putnam, Ed II  
Rausch, James  
Stone, Joseph  
Weyler, Kenneth

### STRAFFORD

Albert, Russell  
Lent, Donald  
Tsiros, William

Cossette, Larry  
Musler, George  
Twombly, James

Estabrook, Iris  
Rollo, Michael  
Woods, Phyllis

Kaen, Naida  
Smith, Marjorie

Burling, Peter  
Robb, Amy

Jones, Constance  
Rodeschin, Beverly

Leone, Richard

Odell, Bob

### NAYS 159

### BELKNAP

Dewhirst, Glenn  
Pilliod, James

Flanders, Donald  
Rice, Thomas Jr

Johnson, William  
Salatiello, Thomas

Millham, Alida  
Wendelboe, Fran

### CARROLL

Babson, David Jr

Bradley, Jeb

Philbrick, Donald

### CHESHIRE

Allen, Peter  
Liebl, George  
Pratt, John

Batchelder, Robert  
Manning, Joseph  
Richardson, Barbara

Burnham, Daniel  
McGuirk, Paul  
Weed, Charles

Espiefs, Peter  
Meader, David  
Zerba, Roger

### COOS

Bradley, Paula

Gallus, John

Stohl, Eric

**GRAFTON**

Almy, Susan	Benn, Bernard	Lovett, Sid	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Solow, Martha	Teschner, Douglass
Ward, Brien	Williams, Burton		

**HILLSBOROUGH**

Allan, Nelson	Baroody, Benjamin	Bergin, Peter	Bouldin, Michael
Bragdon, Peter	Bruno, Pierre	Carlson, Donald	Christensen, D L Chris
Craig, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Eaton, Richard	Fletcher, Richard
Ford, Nancy	Gargas, Carolyn	Ginsburg, Ruth	Gleneck, David
Golding, William	Graham, John	Haley, Robert	Hall, Betty
Holden, Randolph	Johnson, Lionel	L'Heureux, Robert	LaRose, Richard
Leach, Edward	Leishman, Peter	Lynde, Harold	Martel, Andre
Melcher, Harold	Messier, Irene	O'Connell, Timothy	Salts, Greg
Shaw, Barbara	Spies, Paul	Tahir, Saghir	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Davis, Frank	Feuerstein, Martin
French, Barbara	Gile, Mary	Greco, Vincent	Jacobson, Alf
Lockwood, Priscilla	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Poulin, David	Rodd, Beth
Swindlehurst, John	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Chalbeck, Kevin
Coes, Betsy	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Flanagan, Natalie	Gilbert, Karl
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Micklon, Stephanie	Moore, Benjamin	Norelli, Terie
Robertson, Carl	Sapareto, Frank	Shultis, Elizabeth	Splaine, James
Stritch, C Donald	Trueman, Raymond	Zolla, William	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Hughes, Christopher	Johnson, Nancy	Knowles, William
Lachance, Douglas	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Reid, Christopher	Snyder, Clair	Spang, Judith
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Allison, David	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

and the report was adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 111**

Committee of Conference Report on SB 111-FN, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Francoeur, Dist. 14; Flanders, Dist. 7; Hollingworth, Dist. 23

Conferees: Reps. Dyer, Hills. 8; Zolla, Rock. 13; Poulin, Merr. 14; Drabinowicz, Hills. 36

Adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 118**

Committee of Conference Report on SB 118, relative to individual health insurance coverage.

**Recommendation:**

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 420-G:4, I(a)(2)(B) as inserted by section 2 of the bill by replacing it with the following:

(B) The maximum differential due to health status shall be 1.5 to 1 and the maximum differential rate due to tobacco use shall be 1.5 to 1. Rate limitations based on health status do not apply to rate variations based on an insured's status as a tobacco user.

Amend RSA 404-G:5-e as inserted by section 10 of the bill by replacing it with the following:

**404-G:5-e Eligibility.**

I. An individual who is a New Hampshire resident shall be eligible for coverage through the high risk pool if:

(a) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and the carrier has refused to write or issue that coverage to that individual because of his or her health or medical condition;

(b) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and such application has been accepted, but at a premium rate exceeding the rate available through the pool;

(c) The individual has a history of any medical or health condition that is on a list adopted by the association, or

(d) The individual is an "eligible individual" as defined in section 2741(b) of the Public Health Service Act.

II. The association shall promulgate a list of medical or health conditions for which a person shall be eligible for plan coverage without applying for health insurance coverage. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the association shall not be required to provide evidence of a notice of rejection or refusal. The list shall be effective on the first day of the operation of the pool and may be amended from time to time as may be appropriate.

III. Each resident dependent of a person who is eligible for pool coverage shall also be eligible for pool coverage. If the primary insured is a child, resident family members shall also be eligible for pool coverage.

IV. New Hampshire residents who are insured through an individual policy shall be eligible for pool coverage only if the rate assessed by the individual carrier exceeds the pool rate.

V. An individual shall not be eligible for coverage under the pool if:

(a) The individual is eligible for employer sponsored health coverage, including continuation of group coverage, as either an employee or an eligible dependent; or

(b) The individual is eligible for publicly funded health insurance coverage, including Medicare, Medicaid or Title XXI; or

(c) The individual's premiums are paid for or reimbursed by the health care provider, except if the person is an "eligible individual" as defined in section 2741(b) of the Public Health Service Act.

VI. Coverage shall cease:

(a) On the date a person is no longer a resident of this state;

(b) On the date a person requests coverage to end;

(c) Upon the date a person dies;

(d) On the date state law requires cancellation of the policy; or

(e) After the second of 2 successive inquiries made by the plan concerning the person's eligibility or place of residence to which the person does not reply provided the person has 90 days to respond to each inquiry.

Amend the bill by replacing sections 16 and 17 with the following:

16 New Section; Healthy Kids Corporation Expanded. Amend RSA 126-H by inserting after section 6 the following:

126-H:6-a Healthy Kids Subcommittee Established.

I. The department of health and human services shall work with a subcommittee that is comprised of appropriate members of the board and that includes other members as follows:

- (a) One member appointed by the New Hampshire Medical Society.
- (b) One member appointed by the New Hampshire Nurses Association.
- (c) One member appointed by the Home Care Association of New Hampshire.
- (d) One member from a community health center appointed by the Bi-State Primary Care Association.
- (e) One member appointed by the New Hampshire HMO Association.
- (f) One member appointed by the University of New Hampshire School of Health and Human Services.
- (g) Two consumers appointed by the governor and council.

II. The members appointed pursuant to subparagraph I(g) shall be appointed to a 2-year term.

III. The subcommittee shall:

- (a) Review information on the characteristics of New Hampshire's uninsured population, based on the results of the New Hampshire Health Insurance Coverage and Access Survey.
- (b) Identify, based on the Health Insurance Coverage and Access Survey, the population groups and geographic areas that are most appropriately targeted.
- (c) Examine models for affordable health coverage, including models from other states.
- (d) Identify options that would be most effective.
- (e) Develop cost projections for those options.
- (f) Research the level of premium contributions that eligible individuals would be willing to pay.
- (g) Identify potential sources of funding.

IV. The subcommittee shall elect annually from among the members a chairperson. The first meeting of the subcommittee shall be called by the commissioner of health and human services. The department of health and human services shall provide administrative staff support. The department of health and human services and the corporation shall jointly seek funding to support the subcommittee's work.

V. The subcommittee shall make an annual report relative to its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library beginning November 1, 2002.

17 Purpose and Scope of Healthy Kids Corporation Expanded. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state. ~~[The corporation shall operate at no more than 5 pilot sites to be designated by the corporation, which sites may include multiple school districts.]~~ The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage for children under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.

#### AMENDED ANALYSIS

This bill establishes the health insurance risk pool for the purposes of individual health insurance coverage.

This bill also updates the mission statement of the healthy kids corporation and places The healthy kids subcommittee into the statutes.

Conferees: Sens. Francoeur, Dist. 14; Sen. Burns, Dist. 1; D'Allesandro, Dist. 20.

Conferees: Reps. Hunt, Ches. 10; Martha Fuller Clark, Rock, 36; Marshall Quandt, Rock. 20; Francoeur, Rock 22.

Adopted.



**COMMITTEE OF CONFERENCE REPORT ON SB 119**

Committee of Conference Report on SB 119, relative to small group health insurance coverage.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Limited Open Enrollment; Certain Small Employers. Amend RSA 420-G:8 by inserting after paragraph I the following new paragraph:

I-a. Small employers who are self-employed individuals shall have 2 open enrollment periods that shall occur during the months of March and September of each calendar year. During these periods, health carriers shall make their plans available to these employers for effective dates beginning on the first day of the month following the open enrollment period. Self-employed individuals who seek coverage during other times of the year shall be treated as late enrollees.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2002.

III. The remainder of this act shall take effect 60 days after its passage.

Conferees: Sens. Francoeur, Dist. 14; Burns, Dist. 1; D'Allesandro, Dist. 20.

Conferees: Reps. Hunt, Ches. 10; Martha Fuller Clark, Rock. 36; Herman, Hills. 13; Francoeur, Rock. 22.

Adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 164**

Committee of Conference Report on SB 164-FN-A-LOCAL, establishing a comprehensive statewide accountability system concerning an adequate education.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that in order to ensure a balance between education improvement and assessment and an adequate public education, it is necessary to establish a comprehensive, statewide educational accountability system that shall include:

I. Statewide performance goals for all pupils.

II. Statewide systematic measurement of school performance at the state and local levels using multiple valid measures.

III. Reporting on pupil performance at the school, school district, and state levels.

IV. The development, implementation, and evaluation, with broad input from community teams, of local education improvement and assessment plans designed to meet state goals and other criteria for making progress, and any performance goals developed locally to meet identified educational needs.

V. The opportunity for schools that are not making satisfactory progress toward statutory performance goals to receive assistance from the state.

2 New Chapter; School Performance and Accountability. Amend RSA by inserting after chapter 193-F the following new chapter:

**CHAPTER 193-G****SCHOOL PERFORMANCE AND ACCOUNTABILITY**

193-G:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

III. "NHEIAP" means the New Hampshire education improvement and assessment program as established under RSA 193-C.

193-G:2 Statewide Performance Goals. A school should meet, exceed, or make satisfactory progress as defined in this section, for each of the following performance goals:

I. All pupils should, at a minimum, perform at grade level on the reading component of the statewide assessment administered in grade 3 pursuant to RSA 193-C:3.

(a) For pupils with disabilities who qualify for the alternate version of the statewide assessment, performance at the adequate level shall be based on the communication component of the alternate assessment.

(b) For pupils whose native language is other than English and whose English language reading ability prevents them from participating in the statewide assessment, school districts, in conjunction with the department, should make a reasonable effort to provide an alternate assessment of each pupil's reading ability in the pupil's native language. If an alternate assessment is provided, the school district shall report pupil performance to the department of education for inclusion in school, district, and state third grade reading reports. If it is not feasible to administer the assessment in the pupil's native language, then the pupil may be excused from the assessment.

II. Pupils should, at a minimum, perform at the basic and above levels in the designated academic areas assessed on the statewide tests administered at the following grades in accordance with RSA 193-C at the following rates:

(a) 70 percent in English language arts in grade 3.

(b) 70 percent in mathematics in grade 3.

(c) 70 percent in English language arts in grade 6.

(d) 70 percent in mathematics in grade 6.

(e) 55 percent in science in grade 6.

(f) 65 percent in social studies in grade 6.

(g) 70 percent in English language in grade 10.

(h) 60 percent in mathematics in grade 10.

(i) 55 percent in science in grade 10.

(j) 50 percent in social studies in grade 10.

(k) The most recent 3-year rolling averages shall be used to determine if a school is meeting the academic-area statewide assessment performance goals that apply to it, except that if 3-year rolling averages are not available for a particular school, either 2-year averages or, if 2-year averages are not available, a single year's data shall be used for this purpose.

III. Pupils should, at a minimum, attend school at the following rates:

(a) 95 percent for elementary schools.

(b) 94 percent for middle schools and junior high schools.

(c) 92 percent for high schools.

(d) The appropriate grade-range attendance rate collected by the department at the district level shall be used as the school attendance rate in districts that have multiple schools at a particular grade range.

IV. The percentage of pupils who drop out of school annually should not exceed the following rates:

(a) 0.5 percent for middle schools and junior high schools.

(b) 5 percent for high schools.

(c) The department shall calculate and report the annual dropout rate as a percentage based on the reported number of pupils who dropped out of school and did not return during a one year period as compared to the total school population.

V. The percentage of graduating pupils who go on to post-secondary education or military service shall be at least 66 percent.

VI. Each school shall comply with the applicable standards for school approval adopted by the state board pursuant to RSA 21-N:9, 1.

VII. "Satisfactory progress" means that for each school, the most recent 3-year rolling average shall be an improvement over the prior year's 3-year rolling average, except that if a 3-year rolling average is unavailable for a particular school, either a 2-year average or, if a 2-year average is unavailable, 2 adjacent year's data shall be used for this purpose. The use of a 3-year rolling average shall not be required for the first 2 years in which satisfactory progress is being measured.

VIII. On May 1, 2005, and annually thereafter, the commissioner shall determine if a school has demonstrated that it is making satisfactory progress toward, or has met or exceeded the performance goals established in this section. The criteria to be used to determine if a school is making satisfactory progress shall be established as follows:

(a) Not later than May 1, 2002, and every 3 years thereafter, based on generally accepted statistical procedures, the commissioner in conjunction with the state board of education shall determine and publish the criteria for making satisfactory progress in each of the areas established in paragraphs I-V. In making these determinations, consideration shall be given to the effect of school and grade-level enrollments and other relevant demographic data on the validity and comparability of the data collected and, to the extent feasible, the performance of discrete subgroups of pupils, including pupils with disabilities, limited English proficient pupils, and low income pupils.

(1) Satisfactory progress in meeting the reading performance goal established in paragraph I shall be based on the average of the mean-scaled scores obtained on the reading component of the grade 3 statewide assessment administered in accordance with RSA 193-C:3, IV(i). If a primary school does not include grade 3, then reading performance shall be based on the performance of the pupils from that school who attend grade 3 in the elementary school attended by the majority of the pupils from said primary school.

(2) Satisfactory progress in meeting the NHEIAP performance goals established in paragraph II shall be based on the mean-scaled scores obtained in the academic areas assessed at each grade level. If a school does not include a grade assessed in NHEIAP, then NHEIAP performance shall be based on the performance of the pupils from that school who attend the next highest NHEIAP grade level assessed in the school attended by the majority of the pupils from the school that does not include a grade assessed in NHEIAP.

(3) Satisfactory progress in meeting the performance goals established in paragraphs III-V shall be based on the rolling 3-year averages of performance in these areas.

(b) A school shall be considered to be making satisfactory progress in meeting the school approval standards specified in paragraph VI, if it either has been conditionally approved or granted a delay in full compliance by the state board.

IX. On May 1, 2005, and annually thereafter, the commissioner shall compile and disseminate to the governor and council, the general court, the state board, local school board chairpersons, superintendents of schools, school principals, and the public, a list of schools that are not making satisfactory progress in meeting the statewide performance goals set forth in RSA 193-G:3.

X. No later than January 1, 2006, and every 3 years thereafter, the state board shall submit to the education committees of the house and senate a report outlining the results of the state board's review of the performance goals established in paragraphs I-VI together with any recommendations to the general court for changes in these goals that have been adopted by a majority of the state board. In conducting its review, the state board shall consider the statistical validity and comparability of using additional performance data collected at the school and district levels.

#### 193-G:3 Aid to Schools.

I. A school district that is unable to meet or make satisfactory progress toward the statewide performance goals in RSA 193-G:2 may request assistance from the department of education, including financial assistance from the local education improvement assistance program established in RSA 193-G:4, for any school within the district. If a school district that is unable to make satisfactory progress toward meeting the statewide performance goals in RSA 193-G:2 does not request assistance, the department of education may initiate such review as it deems appropriate and, on the basis of such review, offer its assistance to the school district, but the school district shall not be required to accept such assistance.

II. A school district may request up to 3 years of assistance. A detailed plan and budget shall be submitted to the department of education. The department may offer aid in developing the plan and budget.

III. If a school district specified on the list required under RSA 193-G:2, IX has not submitted a request for assistance then, in a town, a warrant article may be presented to the school district governing body, in accordance with applicable statutory requirements in effect in the town for the petitioning of a warrant article, or, if in a city maintaining a school department within its corporate organization, a resolution may be offered to the governing body in accordance with applicable statutory requirements in effect in the city for offering a resolution, to direct the school district governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body in the city or town votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with RSA 193-E:6.



IV. The department of education shall evaluate and approve proposals based on their efficacy, as determined by a cost-benefit analysis, and the extent to which school district revenues are insufficient to implement the proposed activity without adverse educational consequences.

V. Until the publication of the list pursuant to RSA 193-G:2, IX, a school district may request assistance from the department, including financial assistance from the local education improvement assistance program established in RSA 193-G:4, for any school within the district.

VI. Priority shall be given to lower-performing schools.

193-G:4 State Assistance to Local School Districts; Education Improvement Fund Established.

1. There is hereby established an education improvement fund in the department of education for the purpose of providing assistance to local school districts. This fund shall be non-lapsing and shall be administered by the department. For the biennium beginning July 1, 2001 and ending June 30, 2003, the sum of \$2,500,000 shall be transferred from the education trust fund to the education improvement fund. In order to satisfy this obligation, the governor is authorized to draw a warrant from the education trust fund to satisfy the provisions of this paragraph.

II.(a) The department is authorized to use the amount transferred to the education improvement fund for the following purposes within the following expenditure limits:

(1) For the biennium ending June 30, 2003, an amount not to exceed \$500,000 to implement and administer the pupil achievement assessment pilot program established in this act.

(2) For the biennium ending June 30, 2003, an amount not to exceed \$225,000 to collect, analyze, and report the demographic and educational improvement data.

(3) For the biennium ending June 30, 2003, an amount not to exceed \$275,000 to implement and administer the grade 3 reading assessment program set forth in RSA 193-C:3, IV(i).

(4) For the biennium ending June 30, 2003, an amount not to exceed \$75,000 for contracted assistance to study the capacity of the department of education to provide support to local schools.

(5) For the biennium ending June 30, 2003, an amount not to exceed \$780,000 to assist local school staff with the analysis and use of school performance data, and to implement local educational improvement and assessment plans.

(6) For the biennium ending June 30, 2003, an amount not to exceed \$645,000 for providing grants to school districts, provided that any amounts set forth in subparagraphs (a)(1)-(a)(5) which are unexpended as of June 30, 2003, shall be used by the department to make grants to school districts under this section.

(b) For the biennium beginning July 1, 2001 and ending June 30, 2003, appropriations from the fund shall be authorized at the class level by the legislative fiscal committee and the governor and council. For the biennium beginning July 1, 2003, and each biennium thereafter, appropriations from the fund at the class level shall be included in and authorized as part of the department's biennial operating budget.

(c) Moneys transferred to the education improvement fund shall not be transferred, diverted, or used for any purpose not specified in this section.

193-G:5 Powers of the Department of Education and State Board of Education. Notwithstanding RSA 186:5, the powers of the department and the state board relative to school performance and accountability shall be limited to the provisions of RSA 193-G:1 – 193-G:4.

3 New Subparagraphs; Statewide Education Improvement and Assessment Program; Program Goals Amended. Amend RSA 193-C:3, IV by inserting after subparagraph (h) the following new subparagraphs:

(i) At the end of grade 3, to determine if pupils are reading at grade level on a standardized reading test to be chosen by the department with the approval of the state board of education.

(j) At the school, district, and state levels, to provide performance reports on specific subgroups of pupils as required by federal law and regulations, including performance reports on pupils with disabilities, educationally disadvantaged pupils, and vocational education pupils.

4 Pupil Achievement Assessment Pilot Program Established.

1. The department of education, in consultation with the state board of education and the school administrative unit superintendents, shall establish a 4-year pupil achievement assessment pilot program in 10 selected school districts which represent a cross section of the state for the school years 2001-2002 through 2004-2005. Participation in the pilot program shall be voluntary. The pilot program shall examine the use of standardized achievement tests for pupils in grades 4 through 9



in each of the selected pilot schools as well as other techniques to measure pupil achievement over time. The purpose of the pilot program is to identify multiple measures of pupil achievement and to analyze such data from those measures to assess the extent to which such data yields valid and comparable information on the average annual rate of gain or value-added. In addition, the program would provide for a so-called gains-based statistical analysis of data collected in years 2-4 of the program for each pupil, school, and district. Upon the collection of multiple years of data, an analysis of such data may be performed to measure the average gain or value-added to an individual pupil over the course of the measurement period.

II. After 3 years, the state board of education in conjunction with the legislative oversight committee established under RSA 193-C:7 shall evaluate the potential value of the information collected under the pilot program and consider the merits of the approaches used in the pilot program to determine whether such approaches may be used as additional or alternative methods of measuring educational achievement and success.

5 Reporting on Pupil Performance. RSA 193-E:3 is repealed and reenacted to read as follows: 193-E:3 Reporting on the Delivery of Education.

I. By August 1, 2001, and annually thereafter, each school district shall report to the department of education data at the school and district levels for the previous school year on the following indicators, provided however, that the department shall develop a reasonable schedule to phase-in the reporting of data that is not being collected systematically during school year 2000-2001:

(a) Numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, and pupils eligible for free or reduced-price meals.

(b) Pupil mobility rates calculated as the percentages of pupils who transfer into or out of a school each year. These percentages shall not include pupils who enter the school on opening day at the lowest grade in the school or pupils who leave the school upon completion of the highest grade in the school.

(c) Attendance and dropout rates.

(d) Performance on statewide tests administered pursuant to RSA 193-C:3, IV(i) including the percentage of pupils reading at grade level on the reading component of the grade 3 statewide educational assessment and performance on any other standardized tests administered at local option.

(e) Percentage of graduating pupils going on to post-secondary education and military service.

(f) Average class size for instructional purposes at the primary, intermediate, and secondary levels as of October 1.

(g) Number and percentage of educators teaching one or more courses outside of the educator's certification area and the percentage of all courses being taught by educators outside their certification area.

(h) Teacher and administrator turnover rates at the school and district levels.

II. By August 1, 2001, and annually thereafter, each school district shall report to the department of education data at the school and district levels for the previous school year any other data required by federal law on the same or similar subject matter specified in subparagraphs I (b) - (g) or for any of the subgroups set forth in subparagraph I (a).

III. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

IV. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in paragraph I as well as all enrollment and cost data related to determining the cost of an adequate education. The department shall request funds as part of its biennial operating budget to develop, update, and maintain the required forms and programs.

V. Not later than December 1, 2001, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles." It shall include demographic and pupil performance data including, but not limited to, district and school performance on state tests administered pursuant to RSA 193-C, all other data provided under paragraph I, as well as other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for data reported under subparagraphs I(a)-(h).

Comparisons of each district and school to itself based on its own performance for the prior school year and its most recent 3-year rolling averages shall be provided for data reported under subparagraphs I(c)-(e). Statewide rankings of each district and school shall be provided for data reported under subparagraphs I(c)-(e), including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement and assessment plan.

VI. Each school district shall provide an opportunity for public discussion of the report at a meeting of its governing body. The school district shall make the report available to the public at least 10 days prior to the meeting.

VII. No later than January 1, 2003, the department of education shall prepare and submit to the education committees of the house and senate a plan for collecting and evaluating data to determine the correlation between level of academic performance and such factors as pupils' gender, socioeconomic status, cost per pupil, class size, teacher qualifications, and use of various instructional strategies as well as an in-depth study of community members' perceptions of their involvement in education and of important educational issues. The plan shall include an estimate of the costs to the department and local school districts of collecting, analyzing, and reporting the results of these studies.

6 Statewide Education Improvement and Assessment Program; Local Education Improvement and Assessment Plans. RSA 193-C:9, I is repealed and reenacted to read as follows:

I.(a) Each school district shall be responsible for coordinating the development and implementation of a local education improvement and assessment plan. The plan shall be evaluated and reviewed annually and shall be included in the school district's annual report. The development and implementation of the plan and the annual evaluation and review shall be carried out with input from administrators, teachers, parents, employers, and other community members. The plan shall be approved by the local school board no later than October 31, 2003. At a minimum, each plan shall identify and set forth objectives for the school or each school in the district to achieve, including:

(1) Objectives and annual benchmarks for improved pupil performance in each of the statewide performance goals.

(2) Local assessment measures which focus on individual student performance.

(3) The use of local and statewide assessment results to improve instruction and enhance student learning.

(4) Methods for reporting the results of all assessment measures.

(5) Strategies to promote family and community involvement.

(6) Procedures detailing how the school district budget reflects the goals of the plan.

(b) Each plan may include the following elements:

(1) Curriculum and proficiency standards.

(2) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.

(3) Procedures for aligning curriculum and instructional practices.

(4) Role of support services and programs.

(5) Role of instructional leadership.

(6) Staff supervision and evaluation and performance-based professional development.

(7) Pupil behavior and conduct codes.

(8) Provisions for addressing individual school needs.

7 Statewide Education Improvement and Assessment Program; Local Education Improvement and Assessment Plans. RSA 193-C:9, IV is repealed and reenacted to read as follows:

IV. The department of education shall develop a model local education improvement and assessment plan which can be used by school districts. The model plan shall:

(a) Identify and set forth objectives for the school or each school in the district to achieve, including objectives and annual benchmarks for improved pupil performance in each of the applicable areas in which statewide performance goals have been established.

(b) Identify areas where improvements are needed immediately.

(c) Specify how the school or each school in the district will work to make improvements in the combined performance of all pupils enrolled in a school as well as the performance of discrete subgroups of pupils, including pupils with disabilities, limited English proficient pupils, and low income pupils.

(d) Specify the methods and assessments to be used in addition to NHEIAP assessments for the annual evaluation and review of the plan, including data to be collected, analyzed, and reported. This shall include the data specified in RSA 193-E:3, I as well as additional data determined locally.

8 Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee; Report. ***The oversight committee shall:***

***I. [The oversight committee shall review] Review*** the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

***II. Review all of the provisions of RSA 193-G and submit a report of such review every 2 years after the effective date of this section to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.***

***III. Prepare any legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter.***

***IV. Identify operational principles which should guide the work of the department of education in supporting improved school performance and accountability.***

***V. Analyze existing department of education programs and initiatives which support improved school performance and accountability and determine the necessity of enhancing such programs and initiatives, if deemed necessary.***

9 School Money; Education Trust Fund Amended. Amend the introductory paragraph of RSA 198:39, I to read as follows:

198:39 Education Trust Fund Created and Invested.

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, and to provide education property tax hardship relief under RSA 198:55, ***and to fund the education improvement fund established in RSA 193-G:4.*** The state treasurer shall deposit into [this] ***the education trust*** fund immediately upon receipt:

10 New Paragraph; State School Organization; State Board of Education Rulemaking Authority; Rules for Appeals. Amend RSA 186:8 by inserting after paragraph V the following new paragraph:

VI. Appeals from a school board on the matter of nonrenewal of teacher contracts, providing that the appeal to the state board of education shall be limited to the record developed at the school board hearing, except where the state board of education determines that new evidence is available which could not have been reasonably discovered at the time of the school board hearing and that such evidence may have materially affected the outcome of the school board hearing. In such cases, the state board of education shall render a final decision in the matter or remand it to the school board for a new hearing.

11 School Boards, Teachers; Teacher Renewal; Reference Amended. Amend RSA 189:14-a, II to read as follows:

II. Any teacher who has a professional standards certificate from the state board of education and who has taught for 3 consecutive years or more in any school district in the state shall, after having taught for 2 consecutive years in any other school district in the state, be entitled to all of the rights for notification and hearing in ~~[paragraph I(b)]~~ ***paragraphs I(b), III, and IV of this section.***

12 New Paragraphs; School Boards, Teachers; Teacher Renewal; Nonrenomination Procedure. Amend RSA 189:14-a by inserting after paragraph II the following new paragraphs:

III. In cases of nonrenomination because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination.



IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence.

13 School Boards, Teachers; Review by State Board of Education. Amend RSA 189:14-b to read as follows:

189:14-b Review by State Board.

*I. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within [±5] 30 days after the request for review is filed, and the decision of the state board shall be final and binding upon both parties. A request for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.*

*II. The state board of education shall uphold a decision of a local school board to nonrenew a teacher's contract unless the local school board's decision is clearly erroneous.*

14 Public Employee Labor Relations; Grievance Procedures; Nonrenewal of Teacher Contract not Subject to Binding Arbitration. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. *No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a, shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement.*

15 Repeal. RSA 194:23-d, relative to state financial aid, is repealed.

16 Effective Date. This act shall take effect July 1, 2001

AMENDED ANALYSIS

This bill establishes criteria for measuring school performance standards, requires the development of a local education improvement and assessment plan in each school district, defines satisfactory progress in school performance areas, and establishes an education improvement fund in the department of education which shall be funded by a transfer from the education trust fund in the amount of \$2,500,000 for the biennium ending June 30, 2003. The bill also clarifies the process for conducting hearings before local school boards on the issue of nonrenomination of teacher contracts and for the appeal of such nonrenomination decisions to the state board of education

Conferees: Sens: O'Hearn, Dist. 12; Prescott, Dist. 19; Johnson, Dist. 3.

Conferees: Reps: Henderson, Rock. 20; Ward, Graf. 1; Colcord, Merr. 2; Snyder, Straf 14.

Rep. Arthur Pelletier spoke against and yielded to questions.

Reps. Ward and Henderson spoke in favor.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference report.

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YEAS 241

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Salatiello, Thomas	Thomas, John	Wendelboe, Fran
Wood, Jane			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torresen, Gary



**CHESHIRE**

Avery, Stephen  
Emerson, Susan  
Manning, Joseph  
Smith, Edwin

Burnham, Daniel  
Fairbanks, Chandler  
Meador, David

Dexter, Judson  
Hunt, John  
Roberts, William

Edwards, Dana  
Liebl, George  
Royce, H Charles

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Lovett, Sid  
Teschner, Douglass

Alger, John  
Gabler, William  
Marshall, Gene  
Ward, Brien

Cobb, John  
Gilman, G Michael  
Scanlan, David  
Williams, Burton

Dudley, Terri  
Ham, Bonnie  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Eaton, Richard  
Ford, Nancy  
Ginsburg, Ruth  
Graham, John  
Herman, Keith  
Keye, Harvey  
LaRose, Richard  
Lessard, Rudy  
McRae, Karen  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Bouldin, Michael  
Christensen, D L Chris  
Desrosiers, William  
Elliott, Larry  
Foster, Linda  
Gleneck, David  
Greenberg, Gary  
Holden, Randolph  
Kurk, Neal  
Leach, Edward  
Martel, Andre  
Melcher, Harold  
Moran, Edward  
Reeves, Sandra  
Spiess, Paul  
Wheeler, Robert

Arnold, Thomas Jr  
Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Dokmo, Cynthia  
Emerton, Lawrence Sr  
Furman, Christine  
Golding, William  
Guinta, Frank  
Jean, Loren  
L'Heureux, Robert  
Lefebvre, Roland  
Martin, Mary Ellen  
Mercer, Robert  
O'Connell, Timothy  
Rowe, Robert  
Sweeney, Cynthia  
White, Donald

Artz, Lawrence  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drisko, Richard  
Fields, Dennis  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Johnson, Lionel  
LaFlamme, Paul  
Leishman, Peter  
McHugh, Claire  
Messier, Irene  
Pappas, Marc  
Salts, Greg  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Davis, Frank  
Hess, David  
L'Heureux, Stephen  
Maxfield, Roy  
Winter, Steven

Brewster, Richard  
Dunne, Christopher  
Hutchinson, John  
Leber, William  
Poulin, David

Colcord, J D  
Feuerstein, Martin  
Jacobson, Alf  
Lockwood, Priscilla  
Swindlehurst, John

Cummings, Raymond  
Fraser, Leo Jr  
Kennedy, Richard  
MacKay, James  
Whalley, Michael

**ROCKINGHAM**

Belanger, Ronald  
Camm, Kevin  
Cooney, Richard  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kelley, William  
Major, Norman  
Morse, Charles

Bishop, Franklin  
Carson, Sharon  
Corbin, Corey  
DiFruscia, Anthony  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kobel, Rudolph  
McGuire, Robert  
Nowe, Ronald

Bowles, Raimond  
Case, Margaret  
Cox, Russell  
Dodge, Robert  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman

Bridle, Russell  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Palermo, Diane

Power, Lucille	Priestley, Anne	Putnam, Ed II	Rabideau, Marie
Rausch, James	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	Woekel, Ralph
Zolla, William			

## STRAFFORD

Albert, Russell	Berube, Roger	Cossette, Larry	Dunlap, Patricia
Kaen, Naida	Knowles, William	Lachance, Douglas	McCarthy, Gerald
Musler, George	Reid, Christopher	Rollo, Michael	Snyder, Clair
Tsiros, William	Twombly, James	Woods, Phyllis	

## SULLIVAN

Franklin, Peter	Jones, Constance	Leone, Richard	Odell, Bob
Rodeschin, Beverly			

## NAYS 117

## BELKNAP

None

## CARROLL

None

## CHESHIRE

Allen, Peter	Batchelder, Robert	Espiefs, Peter	McGuirk, Paul
Mitchell, McKim	Pratt, John	Richardson, Barbara	Weed, Charles
Zerba, Roger			

## COOS

Bradley, Paula	Mears, Edgar	Rodrigue, Robert
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## GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Naro, Debra
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solow, Martha

## HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bragdon, Peter
Bruno, Pierre	Buckley, Raymond	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Drabinowicz, A Theresa	Dwyer, Paul	Fletcher, Richard	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hopper, Gary	Jean, Claudette
Kacavas, John	Konys, Christine	Lasky, Bette	Lynde, Harold
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan
Shaw, Barbara	Souza, Kathleen	Tahir, Saghir	Thompson, Rob
White, John	Williams, Carol		

## MERRIMACK

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Daneault, Gabriel
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Soltani, Tony
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

## ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Kane, Cecelia
Kelley, Jane	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall	Quandt, Matthew
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

**STRAFFORD**

Bickford, David  
 Estabrook, Iris  
 Hughes, Christopher  
 Pelletier, Marsha  
 Wall, Janet

Brennan, William  
 Gilmore, Gary  
 Johnson, Nancy  
 Proulx, Raymond  
 Woodill, Rodney

Callaghan, Frank  
 Goodwin, Earle  
 Lent, Donald  
 Smith, Marjorie

DeChane, Marlene  
 Grassie, Anne  
 Pelletier, Arthur  
 Spang, Judith

**SULLIVAN**

Allison, David  
 Flint, Gordon Sr  
 Robb, Amy

Burling, Peter  
 Harris, Joseph

Cloutier, John  
 Harris, Sandra

Ferland, Brenda  
 Phinizy, James

and the report was adopted.

Rep. Mirski declared a conflict of interest and did not participate.

**COMMITTEE OF CONFERENCE REPORT ON SB 197**

Committee of Conference Report on SB 197-FN, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

I Intent. This act implements the recommendations of the Task Force for the Renewal of Judicial Conduct Procedures by restructuring the judicial conduct committee as an independent judicial conduct commission. The task force established the following 3 principles to guide the restructuring of the committee:

I. The judicial conduct committee should be completely independent of the New Hampshire court system and the other branches of government, and should be renamed the judicial conduct commission.

II. Members of the new judicial conduct commission should be appointed by several authorities: the governor, the senate president, the speaker of the house of representatives, the New Hampshire supreme court, and the president of the New Hampshire Bar Association.

III. In keeping with its independent status and an accompanying need for vigorous professionalism in the management of its work, the new commission must be free to hire staff and maintain its separate office.

2 Statement of Purpose. In order to maintain a healthy democracy, the legislature finds that it is vital that the citizens of New Hampshire have an independent commission able to adequately discipline the actions of judges who have breached the Code of Judicial Conduct. The general court recognizes that the judicial branch of government must act independently, in accordance with the New Hampshire constitution, in making its adjudicatory decisions. The legislature is mindful of the importance of the independence of each branch and believes that it has a duty under the constitution to insure that the judicial branch provides the citizens of New Hampshire fair, equal, impartial, and prompt justice. To meet its duty, the legislature establishes a judicial conduct commission.

3 New Chapter; Judicial Conduct Commission. Amend RSA by inserting after chapter 494 the following new chapter:

**CHAPTER 494-A****JUDICIAL CONDUCT COMMISSION**

494-A:1 Judicial Conduct Commission Established. A judicial conduct commission is hereby established which shall be completely independent of the New Hampshire court system and other branches of government. The commission shall be administered by an executive director, appointed under RSA 494-A:3.

494-A:2 Definitions. In this chapter:

I. "Commission" means the judicial conduct commission established under RSA 494-A:4.

II. "Executive director" means the executive director of the commission appointed under RSA 494-A:3.

III. "Judge" means supreme court justices under RSA 490:1; superior court judges under RSA 491:1; superior court marital masters; district court judges under RSA 502-A:3; and probate court judges, under RSA 547.

494-A:3 Executive Director; Appointment and Duties.

I. The commission shall select and appoint an executive director as the administrator of the commission. The executive director shall be appointed by majority vote of the commission after 30 days public notice and a public hearing. The executive director shall hold office for a term of 5 years. The executive director may be removed from office by vote of 2/3's of the commission. The executive director may be reappointed using the same procedure for appointment. The executive director shall be a nonclassified state employee.

II. The executive director shall be the administrative head of the commission. The duties of the executive director shall also include:

(a) Employing and supervising commission staff, under RSA 494-A:17.

(b) Submitting an annual report to the governor, senate president, speaker of the house, and chief justice of the supreme court, by October 1 of each year, which details the performance of the commission for the preceding fiscal year. This report shall be a public document.

(c) Submitting budgets to be funded through general funds in the biennial operating budget.

(d) Acting as secretary for all commission meetings.

494-A:4 Commission Membership. The commission shall consist of the following 11 members:

I. Three judges, consisting of one judge or retired judge from each of the superior court, district court, and probate court, appointed by the chief justice of the supreme court with the concurrence of the majority of the supreme court members.

II. Two members appointed by the president of the New Hampshire Bar Association; one member to be approved by the governor and one member to be approved by the president of the senate and the speaker of the house.

III. Two public members who are not judges, attorneys, or elected or appointed public officials, appointed by the governor.

IV. Two public members who are not judges or attorneys, appointed by the senate president.

V. Two public members who are not judges or attorneys, appointed by the speaker of the house.

494-A:5 Terms of Office.

I. The initial terms of office shall be staggered as follows:

(a) For the members appointed under RSA 494-A:4, I, one member shall be appointed for 2 years, one member shall be appointed for 3 years, and one member shall be appointed for 4 years.

(b) For the members appointed under RSA 494-A:4, II, one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(c) For the members appointed under RSA 494-A:4, III, one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(d) For the members appointed under RSA 494-A:4, IV, one member shall be appointed for 2 years and one member shall be appointed for 3 years.

(e) For the members appointed under RSA 494-A:4, V, one member shall be appointed for 3 years and one member shall be appointed for 4 years.

II. After the initial appointment, a member may be reappointed for an additional term of 4 years. Members may not serve more than 2 consecutive terms. Members who have served 2 consecutive terms may not be reappointed until they have been off the commission for a period of 4 years.

III. Commission members shall serve without compensation for their services, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

494-A:6 Vacancies.

I. A vacancy in the office of the commission occurs:

(a) At the expiration of a member's term.

(b) When a member ceases to hold the office, by submitting his or her resignation to the commission, or for some other reason.

(c) When a non-attorney or non-judge member becomes an attorney or judge.

(d) When an attorney member ceases to be a member of the New Hampshire bar, is elected or appointed to public office, or is appointed a judge.

(e) When a member ceases to be domiciled in New Hampshire.

(f) When removed by the commission as provided in RSA 494-A:16.



II. A vacancy shall be filled by the same appointing authority. The successor shall have the same qualifications as the person who is being replaced. If the vacancy results from other than expiration of the term, the successor shall hold office for the unexpired term.

494-A:7 Disqualification.

I. No member shall participate in any proceeding before the commission involving his or her conduct or in which he or she is a witness or is otherwise involved.

II. No member shall participate in any proceeding in which his or her impartiality might reasonably be questioned.

494-A:8 Numbers for Quorum and Action. Six members of the commission shall be a quorum. Six members shall be necessary to take routine action. A vote of 7 members shall be required to take or recommend any disciplinary action.

494-A:9 Election of Chairperson and Vice Chairperson. The members of the commission shall elect their own chairperson and vice chairperson.

494-A:10 Duties; Proceedings. The commission shall be responsible for addressing complaints concerning the conduct of judges in the courts of this state. The commission shall determine if a complaint constitutes conduct which violates the Code of Judicial Conduct. The commission shall adopt rules for its proceedings under this chapter. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. If the commission finds evidence of criminal acts, it shall report such evidence to the attorney general. If the commission finds that a judge's conduct warrants the removal of the judge, the commission shall refer the matter to the legislature.

II. The commission shall, by rules under RSA 494-A:12, adopt a Code of Judicial Conduct based on the Model Code of Judicial Conduct (August, 1990), as adopted by the House of Delegates of the American Bar Association on August 7, 1990.

494-A:11 Procedures for Complaints; Public Availability. The commission shall adopt rules of procedure to be followed in making its determinations which shall incorporate the following:

I. When a complaint is received by the commission, the commission shall determine if the complaint alleges a violation of the Code of Judicial Conduct. If the commission determines that the complaint on its face alleges no violation of judicial misconduct, the commission shall dismiss the complaint and respond to the complaining party, explaining the basis for its decision. If the commission determines that the complaint alleges a violation, the commission shall send a copy of the complaint to the judge and the judge shall have 21 days to respond in writing. There shall be no direct communications between the judge and the complaining party. Following the response from the judge, the commission shall send a copy of the response to the complaining party. The commission may also conduct such further investigation as it may deem necessary before ruling on the complaint. The commission shall, within 90 days of the first meeting following receipt of the complaint, determine whether there is probable cause to believe that the judge has committed a violation of the Code of Judicial Conduct. If not, the complaint shall be dismissed. If so, the commission shall proceed to make a final determination as to whether a violation has occurred. In any event, the complaining party and the judge shall be informed of the ruling on probable cause along with a brief explanation of the basis of the decision.

II. After making a finding of probable cause, the commission shall conduct a public hearing before making a final determination. After probable cause has been found, the complaint, response, transcripts, findings, deliberations, and reports of actions taken shall be available to the public under the provisions of RSA 91-A. The exemption regarding internal personnel practices in RSA 91-A:5, IV shall be inapplicable to proceedings or documents under this paragraph relating to a complaint before the commission.

III. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. The commission may recommend that the supreme court suspend the judge.

IV. If the complaint referred to the commission alleges conduct that would constitute a crime, the commission chairperson shall immediately refer the matter to the attorney general. The referral of such a complaint to the attorney general shall not supersede the commission's jurisdiction relative to whether a violation of the Code of Judicial Conduct has occurred. However, the commission shall suspend its activities until the criminal proceedings, if any, are concluded.

V. In all cases, whether a complaint is dismissed or not, complaints received by the commission shall be made available to the administrative judge of the court in which the judge complained

against holds office. Furthermore, all complaints against judges received by the administrative judges and other judges of the superior court, the district court, and the probate court shall be forwarded to the commission.

VI. The statute of limitations for any complaint shall be 3 years from the act which is the subject of the complaint or from the conclusion of the trial or appeal during which the act occurred, whichever is later.

494-A:12 Rules. The commission shall have the authority to adopt rules, after public notice and hearing, necessary to perform the objectives of this chapter. The commission shall employ the rules used by the supreme court on the effective date of this chapter as interim rules, to the extent that they are not inconsistent with this chapter. The commission shall adopt its own rules as soon as practicable which shall replace such interim rules, but in no event later than July 1, 2002. Prior to the adoption of any rule, or the amendment or repeal thereof, the commission shall publish or otherwise circulate notices of its intended action and afford interested parties the opportunity to submit comments either orally or in writing.

494-A:13 Subpoena Power. The commission shall have the powers of subpoena.

494-A:14 Appeals. An aggrieved party may appeal an order or decision of the commission to the supreme court, provided that such appeals shall be limited to consideration of matters of procedure and errors of law.

494-A:15 Funding. The commission shall prepare and administer its own budget, including funding for such items as staff, office space, and operating expenses. Funding shall be authorized by the legislature only from sources other than those appropriated for the judicial branch.

494-A:16 Removal. The chairperson, with the majority of the commission, may remove a member for cause, including unexcused absences or serious violations of a commission rule.

494-A:17 Staff and Facilities.

I. The executive director shall, with the approval of the commission, hire staff, which may include attorneys, investigators, and clerks, as may be necessary to carry out the duties of the commission. The executive director may contract for such temporary professional, administrative, and clerical services as deemed necessary by the commission. Full-time staff shall be nonclassified personnel who shall be entitled to state employee benefits.

II. The commission shall select office space, which shall be as independent as possible from other facilities of any branch of government.

4 Judicial Performance Evaluations. Amend RSA 490:32, II to read as follows:

II. The program for performance evaluation shall include, but shall not be limited to, ~~[review of records of the supreme court's committee on judicial conduct which are public records under supreme court Rule 40;]~~ a questionnaire, to be designed by the supreme court[:] and a self-evaluation form to be completed by the judge. The supreme court shall strive to achieve uniformity among court evaluation questionnaires, recognizing that the questionnaires for each court may differ due to the jurisdiction of the courts. Questionnaires shall be distributed to a representative sample of attorneys, parties, witnesses, jurors, court personnel, and others who have appeared before a judge during the evaluation period, for the purpose of evaluating the performance of the judge. The questionnaire shall include, but shall not be limited to, questions relative to the judge's performance, temperament and demeanor, judicial management skills, legal knowledge, attentiveness, bias and objectivity, and degree of preparedness. Completed forms shall be returned to the administrative judge, unsigned, within 30 days of issuance. All responses shall remain confidential.

5 Repeals. RSA 490:30, relative to the committee on judicial conduct, is repealed.

6 Date of Operation of Commission. All appointments to the judicial conduct commission shall be made prior to September 1, 2001. The initial meeting of the commission shall be called in September by the governor's first-appointed member of the commission. All necessary staffing of the judicial conduct commission shall be made prior to January 1, 2002. The commission's authority to act upon complaints shall commence on January 1, 2002.

7 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

8 Appropriation. The sum of \$125,000 for the fiscal year ending June 30, 2002 and the sum of \$250,000 for the fiscal year ending June 30, 2003 are hereby appropriated to the judicial conduct

commission established by this act, for the purposes of the administration of the provisions of this act. The governor is authorized to draw a warrant for said sums out of any moneys not otherwise appropriated.

9 Effective Date.

I. Sections 1-4 and 6-8 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect January 1, 2002.

### AMENDED ANALYSIS

This bill restructures the judicial conduct committee as an independent judicial conduct commission. This bill also makes an appropriation to the commission.

Conferees: Sens. Gordon, Dist. 2; Prescott, Dist. 19; Fernald, Dist. 11.

Conferees: Reps. Mock, Carr. 3; Rowe, Hills 14, Phyllis Woods, Straf. 11; Wall, Straf. 9.

Adopted.

### RECESS

(Speaker Chandler in the Chair)

### SENATE MESSAGE

### REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT

### REQUESTS NEW COMMITTEE OF CONFERENCE

**HB 354-FN-A-L**, extending the kindergarten construction program.

The President appointed Sens. Gordon, Disnard and Boyce.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow formation, after the deadline, of a new Committee of Conference on **HB 354-FN-A-L**, extending the kindergarten construction program, and to allow signing of and action on a Committee of Conference report after the deadlines.

Adopted by the necessary two-thirds.

### ACCEDE TO REQUEST FOR NEW COMMITTEE OF CONFERENCE

**HB 354-FN-A-L**, extending the kindergarten construction program

Rep. Weyler moved that the House accede.

Adopted.

The Speaker appointed Reps. Weyler, Mercer, Thulander and Linda Foster.

### CONSENT CALENDAR

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

Rep. Scanlan moved that the Consent Calendar of Committee of Conference Reports on House Bills 131, 132, 215, 238, 240, 256, 258, 259 and 260, as received from the Senate today, and as printed and distributed, be adopted.

Adopted.

**HB 131**, relative to the retention and disposal of certain financial disclosure forms. (Report printed SJ 6/26/01)

**HB 132-FN**, relative to the damage or destruction of an emergency vehicle or emergency services equipment. (Report printed SJ 06/26/01)

**HB 215**, relative to publication of status of cases before the supreme court. (Report printed SJ 06/26/01)

**HB 238**, relative to interstate banking. (Report printed SJ 06/26/01)

**HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (Report printed SJ 06/26/01)

**HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Report printed SJ 06/26/01)

**HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (Report printed SJ 06/26/01)



**HB 259**, relative to holding sessions for correction of checklists. (Report printed SJ 06/26/01)  
**HB 260**, establishing a commission to examine child care resource for parents who work hours other than first shift. (Report printed SJ 06/26/01)

## REGULAR CALENDAR

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 170-FN-A**, repealing the legacies and succession tax. (Report printed SJ 6/26/01)  
 Reps. McGuirk, Jones, Jacobson, Sullivan, Lockwood and Dickinson spoke against.  
 Rep. Bowles spoke against and yielded to questions.  
 Reps. Hill, Mirski, Herman and Rowe spoke in favor.  
 Reps. Alukonis and Guay spoke in favor and yielded to questions.  
 Rep. Herman requested a roll call; sufficiently seconded.  
 The question being adoption of the Committee of Conference report.

## YEAS 190 NAYS 181

### YEAS 190

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Flanders, Donald	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

#### CARROLL

Bradley, Jeb	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Quimby, Lee	Stevens, Stanley	Torressen, Gary

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Roberts, William
Royle, H Charles	Smith, Edwin		

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Tholl, John Jr		

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien		

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Gleneck, David	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lefebvre, Roland	Lessard, Rudy
Martel, Andre	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Palangas, Eric	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert



Salts, Greg  
Thompson, Rob  
White, Donald

Sargent, Maxwell  
Thulander, O Alan

Souza, Kathleen  
Vaillancourt, Steve

Tahir, Saghir  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Hutchinson, John  
MacKay, James  
Swindlehurst, John

Cummings, Raymond  
Kennedy, Richard  
Maxfield, Roy  
Whalley, Michael

Dunne, Christopher  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Hess, David  
Leber, William  
Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
Carson, Sharon  
Dodge, Robert  
Flanders, John Sr  
Gleason, John  
Hill, Jonathan  
Johnson, Rogers  
Letourneau, Robert  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Chalbeck, Kevin  
Dowling, Patricia  
Francoeur, Sheila  
Griffin, Mary  
Holland, James Jr  
Katsakiores, George  
Major, Norman  
Palermo, Diane  
Quandt, Matthew  
Sapareto, Frank  
Welch, David

Bridle, Russell  
Clark, Vivian  
Fesh, Bob  
Gilbert, Jeffrey  
Hamel, Albert  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Power, Lucille  
Rabideau, Marie  
Stone, Joseph  
Weyler, Kenneth

Camm, Kevin  
Dalrymple, Janeen  
Flanagan, Natalie  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Kelley, Jane  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Whittier, John

### STRAFFORD

Albert, Russell  
Hughes, Christopher  
Twombly, James

Berube, Roger  
Musler, George  
Woods, Phyllis

Cossette, Larry  
Reid, Christopher

Harrington, Michael  
Tsiros, William

### SULLIVAN

Odell, Bob

Rodeschin, Beverly

### NAYS 181

### BELKNAP

Johnson, William  
Wood, Jane

Millham, Alida

Pilliod, James

Salatiello, Thomas

### CARROLL

Babson, David Jr

Dickinson, Howard

Philbrick, Donald

Sullivan, P Judith

### CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, John

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Meador, David  
Weed, Charles

Espiefs, Peter  
Mitchell, McKim  
Zerba, Roger

### COOS

Bradley, Paula

Davis, Perley

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Ham, Bonnie  
Pawlek, Marion  
Williams, Burton

### HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond

Baroody, Benjamin  
Clayton, William

Bellavance, Paul  
Clemons, Jane

Bergin, Peter  
Cote, David

Cote, Peter  
Dokmo, Cynthia  
Eaton, Richard  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Martin, Mary Ellen  
O'Connell, Timothy  
Shaw, Barbara  
Williams, Carol

Craig, James  
Drabinowicz, A Theresa  
Flora, Kathleen  
Haley, Robert  
Kacavas, John  
Leach, Edward  
Melcher, Harold  
Panagopoulos, Nicholas  
Spiess, Paul

Daigle, Robert  
Drisko, Richard  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
Leishman, Peter  
Messier, Irene  
Schulze, Joan  
Sweeney, Cynthia

Desrosiers, William  
Dwyer, Paul  
Ginsburg, Ruth  
Jean, Claudette  
Konys, Christine  
Lynde, Harold  
Movsesian, Lori  
Seibel, Christopher  
White, John

### MERRIMACK

Bouchard, Candace  
Crosby, Toni  
Fraser, Leo Jr  
Greco, Vincent  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hager, Elizabeth  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Clarke, Claire  
Davis, Frank  
French, Barbara  
Jacobson, Alf  
Perkins, Randy  
Rush, Deanna  
Yeaton, Charles

Colcord, J D  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria

### ROCKINGHAM

Bishop, Franklin  
Clark, Martha Fuller  
Cox, Russell  
Gilbert, Karl  
Kobel, Rudolph  
Morse, Charles  
Pitts, Jacqueline  
Saia, Pamela  
Trueman, Raymond

Blanchard, MaryAnn  
Coes, Betsy  
Dearborn, Bruce  
Johnson, Robert  
Langley, Jane  
Norelli, Terie  
Priestley, Anne  
Shultis, Elizabeth  
Weatherspoon, Jacquelyne

Bowles, Raimond  
Cooney, Richard  
DiFruscia, Anthony  
Kane, Cecelia  
McGuire, Robert  
O'Keefe, Patricia  
Rausch, James  
Sloan, Stephen  
Woekel, Ralph

Case, Margaret  
Corbin, Corey  
Downing, Michael  
Kelley, William  
Moore, Benjamin  
Pantelakos, Laura  
Robertson, Carl  
Splaine, James

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Grassie, Anne  
Lachance, Douglas  
Pelletier, Marsha  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Estabrook, Iris  
Johnson, Nancy  
Lent, Donald  
Proulx, Raymond  
Spang, Judith

Callaghan, Frank  
Gilmore, Gary  
Kaen, Naida  
McCarthy, Gerald  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Goodwin, Earle  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Phinizy, James

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

and the report was adopted.

### RECONSIDERATION

Rep. Herman moved that the House reconsider its action whereby it adopted the Committee of Conference Report on **HB 170-FN-A**, repealing the legacies and succession tax, and spoke against. Rep. Scanlan requested a roll call; sufficiently seconded. The question being adoption of the motion to reconsider.

### YEAS 177 NAYS 192

#### YEAS 177

#### BELKNAP

Johnson, William

Millham, Alida

Salatiello, Thomas

Wood, Jane

**CARROLL**

Dickinson, Howard      Philbrick, Donald

**CHESHIRE**

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Weed, Charles	Zerba, Roger

**COOS**

Bradley, Paula	Davis, Perley	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	Williams, Burton

**HILLSBOROUGH**

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Buckley, Raymond	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Eaton, Richard	Flora, Kathleen	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Lasky, Bette	Leach, Edward	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	Melcher, Harold	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Walner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret
Clark, Martha Fuller	Coes, Betsy	Corbin, Corey	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael	Gilbert, Karl
Giordano, Ronald	Johnson, Robert	Kane, Cecelia	Kelley, William
Kobel, Rudolph	Langley, Jane	McGuire, Robert	Moore, Benjamin
Norelli, Terie	O'Keefe, Patricia	Pitts, Jacqueline	Priestley, Anne
Robertson, Carl	Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Woekel, Ralph			

**STRAFFORD**

Derube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lachance, Douglas	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Allison, David  
Franklin, Peter  
Leone, Richard

Burling, Peter  
Harris, Joseph  
Phinizy, James

Cloutier, John  
Harris, Sandra  
Robb, Amy

Ferland, Brenda  
Jones, Constance

**NAYS 192****BELKNAP**

Bartlett, Gordon  
Lawton, David  
Rosen, Ralph

Boyce, Laurie  
Nedeau, Stephen  
Russell, David

Flanders, Donald  
Pilliod, James  
Thomas, John

Holbrook, Robert  
Rice, Thomas Jr  
Wendelboe, Fran

**CARROLL**

Babson, David Jr  
Mock, Henry  
Sullivan, P Judith

Bradley, Jeb  
Patten, Betsey  
Torressen, Gary

Kenney, Joseph  
Quimby, Lee

Lyman, L Randy  
Stevens, Stanley

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Royce, H Charles

Dexter, Judson  
Hunt, John  
Smith, Edwin

Edwards, Dana  
Liebl, George

Emerson, Susan  
Roberts, William

**COOS**

Gallus, John  
Rozeck, Michael

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Teschner, Douglass

Alger, John  
Eaton, Stephanie  
Mirski, Paul  
Ward, Brien

Barker, Robert  
Gabler, William  
Scanlan, David

Cobb, John  
Gilman, G Michael  
Sova, Charles

**HILLSBOROUGH**

Allan, Nelson  
Balcom, John  
Brundige, Robert  
Christensen, D L Chris  
Dyer, Merton  
Fletcher, Richard  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Lefebvre, Roland  
McRae, Karen  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Vaillancourt, Steve

Alukonis, David  
Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Elliott, Larry  
Ford, Nancy  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Salts, Greg  
Tahir, Saghir  
Wheeler, Robert

Artz, Lawrence  
Bergeron, Jean-Guy  
Calawa, Leon Jr  
Clegg, Robert Jr  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Thompson, Rob  
White, Donald

Balboni, Michael  
Bragdon, Peter  
Carlson, Donald  
Coughlin, Pamela  
Fields, Dennis  
Gargasch, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Seibel, Christopher  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Hutchinson, John  
MacKay, James  
Swindlehurst, John

Cummings, Raymond  
Kennedy, Richard  
Maxfield, Roy  
Whalley, Michael

Dunne, Christopher  
L'Heureux, Stephen  
Poulin, David  
Winter, Steven

Hess, David  
Leber, William  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Carson, Sharon

Belanger, Ronald  
Chalbeck, Kevin

Bridle, Russell  
Clark, Vivian

Camm, Kevin  
Cooney, Richard



Dalrymple, Janeen  
 Flanagan, Natalie  
 Gleason, John  
 Hill, Jonathan  
 Johnson, Rogers  
 Letourneau, Robert  
 Nowe, Ronald  
 Putnam, Ed II  
 Rausch, James  
 Stritch, C Donald  
 Whittier, John

Dodge, Robert  
 Flanders, John Sr  
 Griffin, Mary  
 Holland, James Jr  
 Katsakiores, George  
 Major, Norman  
 Packard, Sherman  
 Quandt, Marshall  
 Reardon, Neil  
 Varrell, Thomas  
 Zolla, William

Dowling, Patricia  
 Francoeur, Sheila  
 Hamel, Albert  
 Introne, Robert  
 Katsakiores, Phyllis  
 McKinney, Betsy  
 Palermo, Diane  
 Quandt, Matthew  
 Ruffner, Walter  
 Welch, David

Fesh, Bob  
 Gilbert, Jeffrey  
 Henderson, Warren  
 Itse, Daniel  
 Kelley, Jane  
 Morse, Charles  
 Power, Lucille  
 Rabideau, Marie  
 Stone, Joseph  
 Weyler, Kenneth

### STRAFFORD

Albert, Russell  
 Musler, George  
 Woods, Phyllis

Cossette, Larry  
 Reid, Christopher

Dunlap, Patricia  
 Tsiros, William

Harrington, Michael  
 Twombly, James

### SULLIVAN

Flint, Gordon Sr  
 and reconsideration failed.

Odell, Bob

Rodeschin, Beverly

## SENATE MESSAGE

### REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT

#### REQUESTS NEW COMMITTEE OF CONFERENCE

**HB 588**, relative to examination of persons called as jurors.  
 The President appointed Sens. Gordon, Larsen and Pignatelli.

### SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow formation, after the deadline, of a new Committee of Conference on **HB 588**, relative to examination of persons called as jurors, and to allow signing of and action on a Committee of Conference report after the deadlines.

On a division vote, 258 members having voted in the affirmative and 105 in the negative the suspension of rules was adopted by the necessary two-thirds.

### ACCEDE TO REQUEST FOR NEW COMMITTEE OF CONFERENCE

**HB 588**, relative to examination of persons called as jurors.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Mock, John Pratt, Loren Jean and Phyllis Woods.

### CONSENT CALENDAR (CONT'D)

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

Rep. Scanlan moved that the remainder of the Consent Calendar of Committee of Conference Reports on the House Bills as received from the Senate today, and as printed and distributed, be adopted.

Adopted.

**HB 274-FN**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (Report printed SJ 6/26/01)

**HB 277-L**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Report printed SJ 6/26/01)

**HB 315-FN**, relative to the registration of criminal offenders. (Report printed SJ 6/26/01)

**HB 320-FN**, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads. (Report printed SJ 6/26/01).

**HB 328-FN-L**, relative to fees of sheriffs and deputy sheriffs. (Report printed SJ /00/01)

**HB 332-FN-L**, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses. (Report printed SJ 6/26/01)

**HB 337-FN**, relative to the administration of public utilities commission and establishing the position of executive director of the public utilities commission. (Report printed SJ 6/26/01)

**HB 357**, relative to periodic payments of judgments. (Report printed SJ 6/26/01)

**HB 373**, relative to surety bonds for detective agencies and security services. (Report printed SJ 6/26/01)

**HB 405**, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. (Report printed SJ 6/26/01)

**HB 444**, relative to mental health services and records. (Report printed SJ 6/26/01)

**HB 450**, relative to certain work product under the right-to-know-law. (Report printed SJ 6/26/01)

**HB 451**, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations. (Report printed SJ 6/26/01)

**HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. (Report printed SJ 6/26/01)

**HB 509**, establishing a statute of limitations on spousal support orders. (Report printed SJ 6/26/01)

**HB 578**, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board. (Report printed SJ 6/26/01)

**HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. (Report printed SJ 6/26/01)

**HB 643-FN**, extending the moratorium on new nursing home beds. (Report printed SJ 6/26/01)

**HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty. (Report printed SJ 6/26/01)

**HB 676-L**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. (Report printed SJ 6/26/01)

**HB 707**, establishing a committee to study the usage of 211 as a uniform community service information and referral number. (Report printed SJ 6/26/01)

**HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles. (Report printed SJ 6/26/01)

**HB 723**, relative to vacancies in county offices (Report printed SJ /01)

**HB 726-L**, relative to change of school assignment and transfers of public school pupils. (Report printed SJ 6/26/01)

**HB 738**, establishing a commission to assess the operating efficiency of state government. (Report printed SJ 6/26/01)

**HB 758**, relative to the sale of gasoline containing ethers. (Report printed SJ 6/26/01)

## REGULAR CALENDAR (CONT'D)

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. (Report printed SJ 06/26/01)  
Adopted.

**HB 385**, changing the name, membership and duties of the office of volunteerism. (Report printed SJ 6/26/01)  
Adopted.

**HB 426**, relative to the voluntary scrapie flock certification program. (Report printed SJ 6/26/01)  
Adopted.

**HB 543**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. (Report printed SJ 6/26/01)  
Adopted.

**HB 585**, relative to the membership and duties of the council on resources and development. (Report printed SJ 6/26/01)  
Adopted.

**HB 702**, relative to the duties of the committee to study the consumer protection effort in New Hampshire. (Report printed SJ 6/26/01)

Adopted.

**HB 703**, relative to durable powers of attorney. (Report printed SJ 6/26/01)

Adopted.

## UNANIMOUS CONSENT

Rep. Burnham addressed the House.

## REGULAR CALENDAR (CONT'D)

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003. (Report printed SJ 06/26/01)

Rep. Zolla requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference report.

## YEAS 336 NAYS 20

### YEAS 336

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Flanders, Donald	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	Wood, Jane

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith		

#### CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Fairbanks, Chandler	Liebl, George	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Royce, H Charles	Smith, Edwin	Weed, Charles
Zerba, Roger			

#### COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Tholl, John Jr		

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Mirski, Paul	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Sova, Charles	Teschner, Douglass
Ward, Brien	Williams, Burton		

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Baroody, Benjamin
Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars

Clayton, William  
 Coughlin, Pamela  
 Dokmo, Cynthia  
 Emerton, Lawrence Sr  
 Ford, Nancy  
 Ginsburg, Ruth  
 Gonzalez, Carlos  
 Greenberg, Gary  
 Herman, Keith  
 Jean, Loren  
 Konys, Christine  
 LaRose, Richard  
 Lessard, Rudy  
 McRae, Karen  
 Milligan, Robert  
 Palangas, Eric  
 Reeves, Sandra  
 Schulze, Joan  
 Sweeney, Cynthia  
 Wheeler, Robert

Clemons, Jane  
 Craig, James  
 Drisko, Richard  
 Fields, Dennis  
 Foster, Linda  
 Gleneck, David  
 Gorman, Mary  
 Guinta, Frank  
 Holden, Randolph  
 Johnson, Lionel  
 Kurk, Neal  
 Lasky, Bette  
 Lynde, Harold  
 Melcher, Harold  
 Moran, Edward  
 Panagopoulos, Nicholas  
 Rowe, Robert  
 Shaw, Barbara  
 Tahir, Saghir  
 White, Donald

Cote, David  
 Daigle, Robert  
 Dyer, Merton  
 Fletcher, Richard  
 Furman, Christine  
 Golding, William  
 Goulet, Maurice  
 Haley, Robert  
 Hopper, Gary  
 Kacavas, John  
 L'Heureux, Robert  
 Leach, Edward  
 Martel, Andre  
 Mercer, Robert  
 Movsesian, Lori  
 Pepino, Leo  
 Salts, Greg  
 Souza, Kathleen  
 Thulander, O Alan  
 White, John

Cote, Peter  
 Desrosiers, William  
 Elliott, Larry  
 Flora, Kathleen  
 Gargas, Carolyn  
 Goley, Jeffrey  
 Graham, John  
 Hall, Charles  
 Jean, Claudette  
 Keye, Harvey  
 LaFlamme, Paul  
 Leishman, Peter  
 McHugh, Claire  
 Messier, Irene  
 O'Connell, Timothy  
 Peterson, Andrew  
 Sargent, Maxwell  
 Spiess, Paul  
 Vaillancourt, Steve  
 Williams, Carol

### MERRIMACK

Anderson, Eric  
 Cummings, Raymond  
 Feuerstein, Martin  
 Gile, Mary  
 Jacobson, Alf  
 Lockwood, Priscilla  
 Poulin, David  
 Seldin, Gloria  
 Whittemore, James

Bouchard, Candace  
 Daneault, Gabriel  
 Fraser, Leo Jr  
 Greco, Vincent  
 Kennedy, Richard  
 MacKay, James  
 Reardon, Tara  
 Swindlehurst, John  
 Winter, Steven

Colcord, J D  
 Davis, Frank  
 Fraser, Marilyn  
 Hager, Elizabeth  
 L'Heureux, Stephen  
 Perkins, Randy  
 Rodd, Beth  
 Wallner, Mary Jane  
 Yeaton, Charles

Crosby, Toni  
 Dunne, Christopher  
 French, Barbara  
 Hutchinson, John  
 Leber, William  
 Potter, Frances  
 Rush, Deanna  
 Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
 Bowles, Raimond  
 Case, Margaret  
 Cooney, Richard  
 Dearborn, Bruce  
 Flanagan, Natalie  
 Gilbert, Karl  
 Hamel, Albert  
 Itse, Daniel  
 Katsakiores, George  
 Langley, Jane  
 Morse, Charles  
 Packard, Sherman  
 Putnam, Ed II  
 Rausch, James  
 Saia, Pamela  
 Stone, Joseph  
 Weatherspoon, Jacquelyne  
 Woelkel, Ralph

Belanger, Ronald  
 Bridle, Russell  
 Clark, Martha Fuller  
 Corbin, Corey  
 Dodge, Robert  
 Flanders, John Sr  
 Giordano, Ronald  
 Hill, Jonathan  
 Johnson, Robert  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Norelli, Terie  
 Pitts, Jacqueline  
 Quandt, Marshall  
 Reardon, Neil  
 Sapareto, Frank  
 Stritch, C Donald  
 Welch, David  
 Zolla, William

Bishop, Franklin  
 Camm, Kevin  
 Clark, Vivian  
 Cox, Russell  
 Dowling, Patricia  
 Francoeur, Sheila  
 Gleason, John  
 Holland, James Jr  
 Johnson, Rogers  
 Kelley, Jane  
 Major, Norman  
 Nowe, Ronald  
 Power, Lucille  
 Quandt, Matthew  
 Robertson, Carl  
 Shultis, Elizabeth  
 Trueman, Raymond  
 Weyler, Kenneth

Blanchard, MaryAnn  
 Carson, Sharon  
 Coes, Betsy  
 Dalrymple, Janeen  
 Fesh, Bob  
 Gilbert, Jeffrey  
 Griffin, Mary  
 Introne, Robert  
 Kane, Cecelia  
 Kobel, Rudolph  
 McGuire, Robert  
 O'Keefe, Patricia  
 Priestley, Anne  
 Rabideau, Marie  
 Ruffner, Walter  
 Sloan, Stephen  
 Varrell, Thomas  
 Whittier, John

### STRAFFORD

Albert, Russell  
 Cossette, Larry  
 Gilmore, Gary

Berube, Roger  
 DeChane, Marlene  
 Goodwin, Earle

Bickford, David  
 Dunlap, Patricia  
 Grassie, Anne

Callaghan, Frank  
 Estabrook, Iris  
 Hughes, Christopher



Johnson, Nancy  
McCarthy, Gerald  
Proulx, Raymond  
Snyder, Clair  
Wall, Janet

Kaen, Naida  
Musler, George  
Reid, Christopher  
Taylor, Kathleen  
Woodill, Rodney

Knowles, William  
Pelletier, Arthur  
Rollo, Michael  
Tsiros, William  
Woods, Phyllis

Lent, Donald  
Pelletier, Marsha  
Smith, Marjorie  
Twombly, James

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Jones, Constance  
Rodeschin, Beverly

Burling, Peter  
Franklin, Peter  
Leone, Richard

Cloutier, John  
Harris, Joseph  
Odell, Bob

Ferland, Brenda  
Harris, Sandra  
Robb, Amy

### NAYS 20

### BELKNAP

None

### CARROLL

Mock, Henry

### CHESHIRE

None

### COOS

None

### GRAFTON

None

### HILLSBOROUGH

Clegg, Robert Jr  
Martin, Mary Ellen

Drabinowicz, A Theresa  
Thompson, Rob

Eaton, Richard

Hall, Betty

### MERRIMACK

Brewster, Richard

Clarke, Claire

Owen, Derek

### ROCKINGHAM

Chalbeck, Kevin  
Splaine, James

DiFruscia, Anthony

Kelley, William

Palermo, Diane

### STRAFFORD

Brennan, William

Harrington, Michael

Lachance, Douglas

Spang, Judith

### SULLIVAN

Phinzy, James  
and the report was adopted.

### NEW COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL 354

**HB 354-FN-A-L**, extending the kindergarten construction program. (Report printed SJ 6/26/01)  
Adopted.

### SENATE MESSAGE

### REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT

### REQUESTS NEW COMMITTEE OF CONFERENCE

**SB 69**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

The President appointed Sens. Boyce, Pignatelli and Barnes.

**REFUSAL TO ACCEDE TO REQUEST FOR NEW COMMITTEE OF CONFERENCE**

**SB 69**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

Rep. Mock moved that the House refuse to accede.

Adopted.

**NEW COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL 588**

**HB 588**, relative to examination of persons called as jurors. (Report printed SJ 6/26/01)

Rep. John Pratt spoke in favor.

Rep. Zolla spoke against.

Rep. Mock spoke in favor and yielded to questions.

On a division vote, 184 members having voted in the affirmative, and 141 in the negative, the report was adopted.

**SENATE MESSAGE****REFUSAL TO ADOPT COMMITTEE OF CONFERENCE REPORT**

**SB 95**, relative to campaign contribution limits.

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and veto messages from the Governor only.

Adopted.

The House recessed at 4:30 p.m.

**RECESS**

(Rep. Dickinson in the Chair)

**ENROLLED BILL AMENDMENTS**

**HB 170-FN-A-L**, relative to state fees, funds, revenues and expenditures.

**Amendment (1862-EBA)**

Amend RSA 21-J:9-b, II as inserted by section 60 of the bill by replacing it with the following:

II. The municipality has not [~~conducted a full revaluation within 6 years~~] *complied with the provisions of RSA 75:8-a; [and]*.

Amend the bill by replacing RSA 198:57, I as inserted by section 80 of the bill by replacing it with the following:

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted tax relief following the effective date of this subdivision.

Amend the bill by replacing all after section 109 with the following:

110 New Section; New Hampshire Retirement System; Payment by Retirement System-Group I; Amend RSA 100-A by inserting after section 52-a the following new section:

100-A:52-b Payment by Retirement System; Group I.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I member if age 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or before July 1, 2004 as a group I member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I member.

(b) Any person who has completed no less than 20 years of group I creditable service, but who for reasons other than retirement or death ceased to be a group I member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(c) Any person who has completed no less than 20 years of group I creditable service and who retired as a group I member prior to age 60, and who subsequently attains the age of 60, or any person who has completed no less than 30 years of group I creditable service and who retired as a group I member prior to age 55, and who subsequently attains the age of 55.

(d) The surviving spouse of a deceased retired group I member who met the qualifications of subparagraphs (a), (b) or (c), or of a deceased member who died while in service as a group I member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(e) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(f) The surviving spouse and children of a deceased group I member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer's sponsored plan.

(g) Any group I member retired on or before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty.

(h) The spouse of a qualified retiree.

II. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at 1/2 of one year of such service credit.

III. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

IV. In the case of group I members retired from employment by political subdivisions of the state, the amount payable by the retirement system on account of qualified persons shall be paid over to the employer, insurer, or health care administrator and used to pay for all or part of the medical benefits provided through the former employer for qualified persons. If the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph III, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

V. As of January 1, 2002, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

VI. As of January 1, 2002, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the

maximum under paragraph III, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

VII. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

VIII. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

IX. Any group I political subdivision employee member retired before January 1, 2001, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

X. The retirement system shall notify all group I teacher and political subdivision employee retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to re-join and active-employee medical insurance or health plan and to receive benefits under this section.

XI. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

111 New Section; New Hampshire Retirement System; Method of Financing; Group I State Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

100-A:53-d Method of Financing; Group I State Employees.

I. The benefits provided under RSA 100-A:52-b shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group I state employer contributions made for group I state employees in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-b shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-b may be invested pursuant to the provisions of RSA 100-A:15.



112 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

I-c. It is the intent of the legislature that future group I state employee members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:52-b only if the total cost of such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

113 Contingency. If SB 111-FN of the 2001 legislative session becomes law, then sections 110 and 111 of this act shall take effect 60 days after the effective date of SB 111-FN and section 112 of this act shall take effect January 1, 2002 and sections 8-10 of this act shall not take effect. If SB 111-FN of the 2001 legislative session does not become law, then sections 8 and 9 of this act shall take effect 60 days after the passage of this act and section 10 of this act shall take effect January 1, 2002 and sections 110-112 of this act shall not take effect.

114 Effective Date.

I. Sections 46, 50-59, 63, 71, 72, and 84 of this act shall take effect 60 days after its passage.

II. Sections 34, 35, 38-42, 48, 64, 85, 86 and 113 of this act shall take effect upon its passage.

III. Section 15 of this act shall take effect June 30, 2001.

IV. Sections 8-10 and 110-112 of this act shall take effect as provided in section 113 of this act.

V. Section 18 of this act shall take effect April 1, 2002.

VI. Sections 65 and 66 of this act shall take effect January 1, 2003.

VII. Sections 60-62 of this act shall take effect as provided in section 64.

VIII. Sections 87, 89, 91, 93, 95, 97, 99, 100, 101, and 103-109 of this act shall take effect December 28, 2001.

IX. Sections 88, 90, 92, 94, 96, 98, and 102 of this act shall take effect December 27, 2002.

X. Sections 80-83 of this act shall take effect July 1, 2002.

XI. The remainder of this act shall take effect July 1, 2001.

Adopted.

RECESS

(Rep. Whalley in the Chair)

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 170.

Rep. Nowe, Sen. Pignatelli for the Committee

RECESS

(Rep. Patten in the Chair)

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1.

Rep. Nowe, Sen. D'Allesandro for the Committee

RECESS

(Rep. Avery in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 25, 103, 202, 271, 361, 374, 390, 402, 412, 446, 499, 525, 554, 584, 616, 667, 699, and 764 and Senate Bills numbered 54, 76, 99, 103, 109, 149, 152, 168, 170, 176 and 184.

Rep. Nowe, Sen. D'Allesandro for the Committee

### ENROLLED BILL AMENDMENTS

**HB 126-FN**, relative to the board of pharmacy and the regulation of pharmacists

**Amendment (1852-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:

1 Pharmacists and Pharmacies; Definitions; Pharmacist-in-Charge. Amend RSA 318:1, X to read  
Amend section 2 of the bill by replacing line 1 with the following:

2 Pharmacists and Pharmacies; Definitions; Prescription. Amend RSA 318:1, XVI to read as Amend section 3 of the bill by replacing line 1 with the following:

3 Pharmacists and Pharmacies; Definitions; Prescription Drug. Amend RSA 318:1, XVII to read Amend RSA 318:1, XVII(a) as inserted by section 3 of the bill by replacing line 2 with the following:

be labelled with ~~[either]~~ *any* of the following statements:

Amend RSA 318:1, XVII(a)(2) as inserted by section 3 of the bill by replacing line 2 with the following:

veterinarian"[;], or

Amend RSA 318:38, I as inserted by section 7 of the bill by replacing line 8 with the following: but not limited to, the compounding[;] and dispensing of medicines upon prescriptions and for the Adopted.

**HB 408-FN**, relative to the regulation of nursing by the board of nursing.

#### Amendment (1863-EBA)

Amend section 1 of the bill by replacing line 2 with the following:

REGISTERED NURSES ~~[AND]~~, **LICENSED PRACTICAL NURSES**,

Amend RSA 326-B:1, I as inserted by section 2 of the bill by replacing line 7 with the following: nursing *or nursing-related activities*, or who represent themselves as registered nurses ~~[or]~~,

Amend RSA 326-B:2, I as inserted by section 3 of the bill by replacing line 2 with the following: *registered nurse practitioner, registered nurse, or licensed practical nurse or nursing-*

Amend RSA 326-B:2, VIII-a as inserted by section 5 of the bill by replacing line 5 with the following:

adopted by the board under RSA 541-A or who have successfully completed a board-approved Amend RSA 326-B:2, XII as inserted by section 6 of the bill by replacing line 2 with the following: nursing as a registered nurse or licensed practical nurse *or nursing-related activities as a*

Amend RSA 326-B:2, XVI as inserted by section 8 of the bill by replacing lines 2-4 with the following:

registered nurse practitioner, dentist, or physician, by an L.P.N. who is prepared to function as a member of the health care team by exercising sound nursing judgment based on preparation, knowledge, skills, understanding, and past nursing experience. Practical nursing by an L.P.N.

Amend section 10 of the bill by replacing line 1 with the following:

10 Board of Nursing; New Members; Licensed Nursing Assistants. Amend RSA 326-B:3, I to Amend RSA 326-B:6, III as inserted by section 17 of the bill by replacing line 4 with the following: *evaluation*; or have graduated from a recognized Canadian nursing education program; *or be a* Adopted.

**HB 547-FN**, authorizing participation in a regional electronic toll collection system.

#### Amendment (1835-EBA)

Amend section 1 of the bill by replacing lines 2 – 4 with the following:

inserting after section 16 the following new subdivision:

##### Regional Electronic Toll Collection

237:16-a Definitions. In this subdivision:

Amend section 1 of the bill by replacing line 20 with the following:

237:16-b Regional Electronic Toll Collection Authorized. The commissioner is hereby authorized

Amend section 1 of the bill by replacing line 25 with the following:

237:16-c E-Z Pass Operations Interagency Agreement.

Amend section 1 of the bill by replacing line 38 with the following:

237:16-d Rulemaking. The commissioner may adopt such rules as are necessary to enforce the

Amend section 1 of the bill by replacing line 45 with the following:

237:16-e Confidentiality of Records. Notwithstanding any other provision of law, all information

Amend section 1 of the bill by replacing line 54 with the following:

237:16-f Immunity. Nothing in this subdivision shall be construed to constitute a waiver of the

Amend section 4 of the bill by replacing line 4 with the following:

(y) RSA 237:16-d, relative to the E-Z Pass Interagency Agreement for Operations.

Adopted.

**HB 652**, relative to the penalties for reckless or negligent operation of a motor vehicle.

**Amendment (1854-EBA)**

Amend line 3 of section 2 of the bill to read as follows:

265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a  
Adopted.

**HB 731-FN**, relative to securities laws, making a change to Article 9 of the Uniform Commercial Code, and relative to standards for records filed with a registry of deeds

**Amendment (1832-EBA)**

Amend section 2 of the bill by replacing line 1 with the following:

2 Securities; Definition of "Federal Covered Adviser". Amend RSA 421-B:2, V-d to read as  
Amend RSA 421-B:6, II as inserted by section 4 of the bill by replacing line 11 with the following:  
broker-dealer, issuer-dealer, *federal covered adviser*, and investment adviser shall promptly notify  
Amend RSA 421-B:6, V(c) as inserted by section 6 of the bill by replacing lines 3-4 with the following:  
*10) examination(s) or a principal's examination applicable to the licensee's business conducted at  
that location. Administration of examinations shall be conducted by the National Association of*  
Amend RSA 421-B:7, I as inserted by section 7 of the bill by replacing line 12 with the following:  
case of an investment adviser, *Form ADV, specimens of investment adviser contracts, and the*  
Amend RSA 421-B:7, I-a(e)(2) as inserted by section 7 of the bill by replacing line 2 with the  
following:

*update information required by Form U-4 as changes occur. An investment adviser*

Amend RSA 421-B:7, I-b as inserted by section 7 of the bill by replacing line 5 with the following:  
(*SEC*) and a Form U-2, and shall pay initial and annual fees in accordance with *RSA 421-B:31.*  
Initial

Amend section 8 of the bill by replacing line 2 with the following:

Adviser Licensees. Amend RSA 421-B:7 by inserting after paragraph VI the following new  
Amend RSA 421-B:8, XIII(a)(3) as inserted by section 11 of the bill by replacing line 1 with the  
following:

(3) An investment adviser shall deliver the disclosure statement required by this

Amend section 12 of the bill by replacing lines 1-6 with the following:

12 Securities; Post-Licensing Provisions; Limitation on Scope of Investment Adviser Discretion.  
Amend RSA 421-B:8, XVI(c) to read as follows:

(e) *For purposes of these rules an investment adviser shall not be deemed to be exercising  
discretion when it places a trade order with a broker-dealer, pursuant to a third party trading  
agreement if:*

(1) *The investment adviser has executed a separate investment adviser*

Amend RSA 421-B:8, XVI(e)(2) as inserted by section 12 of the bill by replacing line 1 with the  
following:

(2) *The investment adviser contract specifically states that the client does not*

Adopted.

**HB 743**, transfers the department of youth development services to the department of health and human services.

**Amendment (1837-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT transferring the department of youth development services to the department of health  
and human services.

Amend section 3 of the bill by replacing lines 1-2 with the following:

3 New Paragraphs; Department of Health and Human Services; Juvenile Justice Services. Amend  
RSA 126-A:4 by inserting after paragraph II the following new paragraphs:

Amend RSA 169-B:19, III-a(a) as inserted by section 5 of the bill by replacing line 3 with the  
following:

4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged

Amend section 15 of the bill by replacing line 2 with the following:

Board. Amend the section heading of RSA 621-A:9 and RSA 621-A:9, I to read as follows:

Amend RSA 621-A:9, II(c) as inserted by section 16 of the bill by replacing line 2 with the following:  
*juvenile justice* services *within the department*, who shall serve as an ex officio

Amend section 17 of the bill by replacing it with the following:

17 New Subparagraph; Juvenile Justice Advisory Board; Member Added. Amend RSA 621-A:9, II by inserting after subparagraph (i) the following new subparagraph:

(j) One member of the house children and family law committee, appointed by the speaker of the house.

Amend paragraph I section 21 of the bill by replacing line 1 with the following:

I. RSA 169-B:35, III(c), relative to department of youth development services' access to  
 Adopted.

**SB 21**, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing. (Amendment printed SJ 6/26/01)

Adopted.

**SB 41**, relative to technical corrections for life, accident and health insurance. (Amendment printed SJ 6/26/01)

Adopted.

**SB 48**, relative to the rental of shared living facilities. (Amendment printed SJ 6/26/01)

Adopted.

**SB 157**, relative to state government information dissemination and access. (Amendment printed SJ 6/26/01)

Adopted.

**SB 193-FN-A-L**, relative to changes in the property tax system and making an appropriation therefor. (Amendment printed SJ 6/26/01)

Adopted.

## RECESS

(Rep. Rollo in the Chair)

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 126, 240, 258, 260, 288, 408, 475, 588, 652, 707 and 731 and Senate Bills numbered 41, 48 and 157.

Rep. Nowe, Sen. D'Allesandro for the Committee

## ENROLLED BILL AMENDMENTS

**HB 738**, establishing a commission to assess the operating efficiency of state government.

### Amendment (1871-EBA)

Amend paragraph I of section 3 of the bill by replacing line 1 with the following:

I. In its study of the restructuring of state government, the 6 major objectives of the  
 Amend paragraph II of section 3 of the bill by replacing line 1 with the following:

II. The commission shall adopt the following methodology in order to achieve its 6 objectives:  
 Amend subparagraph II(c) of section 3 of the bill by replacing line 1 with the following:

(c) Third, the commission shall conduct a series of structured interviews with various  
 Adopted.

**SB 164-FN-A-L**, establishing a comprehensive statewide accountability system concerning an adequate education. (Amendment printed SJ 6/26/01)

Adopted.

## RECESS

(Rep. Lefebvre in the Chair)

## ENROLLED BILL AMENDMENTS

**SB 139**, relative to uniform electronic transactions. (Amendment printed SJ 6/26/01)

Adopted.



**SB 197-FN**, establishing a judicial conduct commission. (Amendment printed SJ 6/26/01)  
Adopted.

**HB 676-L**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream.

#### **Amendment (1872-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the creation of a regional program for collection and marketing of certain components of the municipal solid waste stream.

Amend section 1 of the bill by replacing line 2 with the following:

program for collection and marketing of certain components of the municipal solid waste stream  
Adopted.

### **RECESS**

**(Rep. Robert Johnson in the Chair)**

#### **ENROLLED BILL AMENDMENTS**

**HB 131**, relative to the retention and disposal of certain financial disclosure forms.

#### **Amendment (1880-EBA)**

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 14:

12 Contingent Renumbering. If HB 202 of the 2001 legislative session becomes law, then RSA 14-B:6 as inserted by section 5 of this act shall be renumbered as RSA 14-B:7.

13 Duplicate Amendment Nullified; HB 579. The amendment to RSA 655:40-b as inserted by section 5 of HB 579 of the 2001 legislative session shall not take effect.

Adopted.

**HB 274-FN**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

#### **Amendment (1867-EBA)**

Amend RSA 125-N:3, II as inserted by section 1 of the bill by replacing line 4 with the following: be implemented or imposed under federal authority enacted or promulgated after the effective date of this section

Adopted.

**HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor, and relative to retirement allowances for certain surviving spouses of group II retirement system members.

#### **Amendment (1866-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to payment of medical benefits costs for group II members of the retirement system; and relative to the election of optional allowances by certain retirement system members granted disability retirement benefits.

Adopted.

**HB 332-FN-L**, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

#### **Amendment (1874-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to resuscitation protocols for emergency medical care providers.

Amend RSA 153-A:5, III as inserted by section 1 of the bill by replacing line 1 with the following:

(h) Adopting statewide adult and pediatric resuscitation protocols for licensed emergency

Adopted.

**HB 451**, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

**Amendment (1873-EBA)**

Amend subparagraph I(n) of section 3 of the bill by replacing line 1 with the following:

(n) A representative from the advisory council on child care in New Hampshire, appointed. Adopted.

**HB 509**, establishing a statute of limitations on spousal support orders.

**Amendment (1875-EBA)**

Amend section 2 of the bill by replacing line 1 with the following:

2 Divorce; Alimony; Statute of Limitations Added. Amend the introductory paragraph of RSA 458:19, 1 to read as follows:  
Adopted.

**HB 543-FN**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

**Amendment (1882-EBA)**

Amend RSA 99-D:2 as inserted by section 8 of the bill by replacing it with the following:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the ~~[New Hampshire port authority]~~ **Pease development authority, division of ports and harbors**, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, or directors, officers, and employees of the land and community heritage investment authority seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him or her, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him or her unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading the person shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw a warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.  
Amend the bill by replacing all after section 21 with the following:

22 Contingent Nullification. If this act becomes law, the provisions of 2001, 48 (HB 727) are null and void.

23 Effective Date.

I. Section 8 of this act shall take effect July 1, 2001 at 12:01 a.m.

II. The remainder of this act shall take effect July 1, 2001.

Adopted.

**HB 585**, relative to the membership and duties of the council on resources and development.

#### **Amendment (1879-EBA)**

Amend the bill by replacing section 3 with the following:

3 New Paragraphs; Expansion of the Responsibilities of the Council on Resources and Development. Amend RSA 162-C:2, VIII and IX to read as follows:

VIII. Provide oversight relative to the statewide public boat access program, work with the public water access advisory board and provide recommendations to the governor and executive council regarding public access; ~~and~~

IX. Complete the annual smart growth report required under RSA 9-B:6;

*X. Review and coordinate the distribution of funds by state agencies to local and regional entities to encourage consistency with and provide support for New Hampshire's smart growth policies under RSA 9-B:4;*

*XI. Review the following actions by state agencies and ensure, in consultation with the long range capital planning and utilization committee established by RSA 17-M:1-3, that these actions are taken into consideration in the long range capital improvement program that is updated every 2 years in conjunction with the capital budget process, and provide recommendations to the governor regarding whether the actions are consistent with New Hampshire's smart growth policies under RSA 9-B:5:*

*(a) Capital budget requests;*

*(b) Building operation and maintenance plans; and*

*(c) Facility location and planning; and*

*XII. Facilitate coordination of state agencies to support local, regional, and state planning efforts consistent with RSA 9-A:1-4.*

Adopted.

**HB 604-FN**, relative to increasing certain fees and making other changes to fish and game licenses.

#### **Amendment (1881-EBA)**

Amend the bill by replacing sections 5 and 6 with the following:

5 Special Deer Permits; Rulemaking; Maximum 2002 Fee. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special deer permits to a person licensed with the applicable license to hunt issued under RSA 214, or RSA 208:5 or 5-a. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for special deer permits. The executive director may charge a fee not to exceed ~~[\$10]~~ **\$13** for all applications for special deer permits

6 Special Deer Permits; Rulemaking; Maximum 2003 Fee. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special deer permits to a person licensed with the applicable license to hunt issued under RSA 214, or RSA 208:5 or 5-a. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for special deer permits. The executive director may charge a fee not to exceed ~~[\$13]~~ **\$15** for all applications for special deer permits

Amend the bill by replacing sections 17 and 18 with the following:

17 Hunting; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VI to read as follows:

VI. If the applicant is a nonresident. 16 years of age or older, and wishes to hunt, ~~[\$69.50]~~ **\$91**, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.



18 Hunting; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VI to read as follows:  
If the applicant is a nonresident, 16 years of age or older, and wishes to hunt, [~~\$91~~] **\$102**, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.  
Adopted.

**HB 702**, relative to the duties of the committee to study the consumer protection effort in New Hampshire and relative to the membership of the long-term care board.

#### Amendment (1883-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duties of the committee to study the consumer protection effort in New Hampshire, relative to the membership of the long-term care board, and establishing a task force on privacy issues.

Amend section 1 of the bill by replacing line 1 with the following:

I Duties. 2001, 12:3 is repealed and reenacted to read as follows:

Amend section 2 of the bill by replacing line 4 with the following:

II. RSA 126-L:3, I(i), relative to membership of a representative of the New Hampshire  
Amend section 2 of the bill by replacing line 6 with the following:

III. RSA 126-L:3, I(j), relative to membership of a representative of the New Hampshire

Amend section 4 of the bill by replacing line 3 with the following:

(n) Up to 7 members appointed by the 13 members in subparagraphs (a)-(m).

Adopted.

**HB 703**, relative to durable powers of attorney.

#### Amendment (1869-EBA)

Amend the bill by replacing all after section 1 with the following:

2 Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, IV to read as follows:

IV.(a) The court may hold hearings, make orders and decrees, and take other actions that are necessary or proper in making determinations on matters presented by a petition filed under paragraph III.

*(b) When a gift or transfer made by an agent is challenged in a petition filed under paragraph III of this section, the gift or transfer shall be presumed to be lawful if the durable power of attorney is accompanied by the disclosure statement and acknowledgement drafted in accordance with RSA 506:6, VI and VII, and explicitly authorizes such gifts or transfers. However, if the petitioner establishes that the agent made a transfer for less than adequate consideration, and the transfer is not explicitly authorized by a durable power of attorney drafted in accordance with RSA 506:6, VI and VII, the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and was not a result of undue influence, fraud, or misrepresentation.*

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2002 at 12:01 a.m.

II. The remainder of this act shall take effect January 1, 2002.

Adopted.

**HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles, and reclassifying certain positions within the department of resources and economic development from unclassified to classified status.

#### Amendment (1878-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles.



Amend the bill by replacing paragraph 1 of section 5 with the following:

I. Determine whether the state should continue to develop and operate trail systems for ATVs and trail bikes.

Adopted.

**SB 118**, relative to individual health insurance coverage and extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.

(Amendment printed SJ 6/26/1)

Adopted.

## RECESS

(Rep. Stritch in the Chair)

### ENROLLED BILL AMENDMENT

**HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty.

#### Amendment (1884-EBA)

Amend RSA 21-I:43-a as inserted by section 1 of the bill by replacing line 5 with the following: his or her position shall not be charged against annual leave or sick leave for the time lost due to the injury.

Amend RSA 106-B:18 as inserted by section 2 of the bill by replacing line 7 with the following: [~~director of the division of state police~~] *commissioner of safety* shall make the final determination as to whether the injury received is in line

Amend RSA 206:26-c as inserted by section 3 of the bill by replacing line 6 with the following: to perform normal or routine duties, shall not be charged against annual leave or sick leave for the time lost

Adopted.

## RECESS

(Rep. Henderson in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 131, 132, 215, 238, 256, 259, 274, 277, 279, 315, 320, 328, 332, 337, 354, 357, 373, 385, 405, 426, 444, 450, 451, 509, 543, 547, 578, 585, 603, 604, 643, 649, 676, 702, 703, 717, 723, 726, 738, 743 and 758, and Senate Bills numbered 18, 21, 51, 53, 68, 74, 111, 118, 119, 139, 148, 164, 192, 193 and 197.

Rep. Nowe, Sen. D'Allesandro for the Committee

### BILLS SIGNED BY THE GOVERNOR

Chap. 1, **HB 204**, relative to loan guarantees by the business finance authority. (Eff. 2/09/01)

Chap. 2, **HB 763**, relative to obligations of county governments. (Eff. 2/22/01)

Chap. 3, **HB 111**, relative to paper purchased by or for state agencies. (Eff. 5/27/01)

Chap. 4, **HB 167**, relative to the authority of the consumer advocate. (Eff. 5/27/01)

Chap. 5, **HB 106**, relative to honey products. (Eff. 6/22/01)

Chap. 6, **HB 117**, establishing a committee to study the adoption of the uniform common interest ownership act. (Eff. 4/23/01)

Chap. 7, **HB 144**, establishing a committee to study the CHINS process. (Eff. 4/23/01)

Chap. 8, **HB 163**, establishing a committee to study opening the state house to the public on weekends. (Eff. 4/23/01)

Chap. 9, **HB 168**, relative to transfers of ownership of cemetery plots or burial spaces. (Eff. 1/01/02)

Chap. 10, **HB 233**, amending the duties of the oversight committee for the severely developmentally disabled. (Eff. 6/22/01)

Chap. 11, **HB 102**, allowing bankruptcy judges to perform marriages after obtaining a special license. (Eff. 4/24/01)

Chap. 12, **HB 109**, establishing a committee to study the consumer protection effort in New Hampshire. (Eff. 4/24/01)

- Chap. 13, **HB 113**, relative to the Nute High School and library trustees. (Eff. 4/24/01)
- Chap. 14, **HB 125**, naming New Hampshire route 12-A from West Lebanon to the Cornish-Windsor Bridge the Maxfield Parrish Highway. (Eff. 6/23/01)
- Chap. 15, **HB 228**, relative to dealing in and possessing prescription drugs by podiatrists. (Eff. 1/01/02)
- Chap. 16, **HB 254**, naming a certain bridge in the town of Charlestown. (Eff. 6/23/01)
- Chap. 17, **HJR 1**, urging Congress to expand eligibility for membership in the American Legion. (Eff. 4/24/01)
- Chap. 18, **HB 118**, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization. (Eff. 1/01/02)
- Chap. 19, **HJR 3**, encouraging the preservation of the system of locks on the Merrimack River. (Eff. 5/15/01)
- Chap. 20, **HB 121**, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens. (Eff. 5/15/01)
- Chap. 21, **HB 124**, establishing a committee to study on-line and electronic voting. (Eff. 5/15/01)
- Chap. 22, **HB 236**, relative to the registration of deer. (Eff. 7/14/01)
- Chap. 23, **HB 242**, extending the reporting deadlines for certain study committees and commissions. (Eff. 5/15/01)
- Chap. 24, **HB 263**, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk. (Eff. 1/01/02)
- Chap. 25, **HB 273**, relative to the purpose of state jurisdiction of fish and game regulation. (Eff. 7/14/01)
- Chap. 26, **HB 395**, relative to the time for the first meeting for county conventions following election. (Eff. 7/14/01)
- Chap. 27, **HB 397**, establishing a committee to study the status of veterans in New Hampshire. (Eff. 5/15/01)
- Chap. 28, **HB 480**, relative to the divisions within the department of resources and economic development. (Eff. 7/14/01)
- Chap. 29, **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service and the sale of generation assets by Public Service Company of New Hampshire. (Eff. 5/22/01)
- Chap. 30, **HB 120**, relative to the membership of the department of youth development advisory board. (Eff. 6/08/01)
- Chap. 31, **HB 142**, establishing a committee to study encryption of confidential information. (Eff. 6/08/01)
- Chap. 32, **HB 143**, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire. (Eff. 6/08/01)
- Chap. 33, **HB 189**, increasing the facility funding limits under the oil discharge and disposal cleanup fund. (Eff. 8/07/01)
- Chap. 34, **HB 230**, relative to scheduled permanent impairment awards under the workers' compensation law. (Eff. 8/07/01)
- Chap. 35, **HB 367**, relative to the establishment of a town forest in the town of Randolph and relative to property of preexisting school districts. (Eff. 6/08/01)
- Chap. 36, **HB 369**, relative to driving in highway construction and maintenance areas and utility work areas. (Eff. 6/08/01)
- Chap. 37, **HB 376**, allowing county commissioners serving 4-year terms to vote at state party conventions. (Eff. 8/07/01)
- Chap. 38, **HB 377**, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney. (Eff. 1/01/02)
- Chap. 39, **HB 433**, clarifying the duties of the oversight committee on health and human services. (Eff. 8/07/01)
- Chap. 40, **HB 482**, relative to airport zoning. (Eff. 8/07/01)
- Chap. 41, **SB 11**, extending the reporting date of the committee to study and identify or establish the duties of the fish and game commission. (Eff. 6/08/01)
- Chap. 42, **SB 12**, relative to applications for the cooperative fencing program and the depredation permit program in the fish and game department. (Eff. 8/07/01)

- Chap. 43, **SB 15**, extending the reporting date for the commission on the status of community-technical education. (Eff. 6/08/01)
- Chap. 44, **SB 25**, relative to preliminary breath tests. (Eff. 1/01/02)
- Chap. 45, **SB 27** allowing the state to apply for review of a state prison sentence by the superior court's review division. (Eff. 1/01/02)
- Chap. 46, **SB 44** relative to false academic documentation. (Eff. 6/08/01)
- Chap. 47, **HB 232**, relative to compensability of work-related stress injuries under the workers' compensation act and relative to election of remedies for wrongful termination or constructive discharge. (Eff. 8/10/01)
- Chap. 48, **HB 727**, making certain changes concerning the authority and operation of the port authority. (Eff. 8/10/01)
- Chap. 49, **SB 33**, relative to the definition of "campsite". (Eff. 8/10/01)
- Chap. 50, **SB 35**, relative to a term for the chief justice of the supreme court. (Eff. 6/11/01)
- Chap. 51, **SB 37**, extending the reporting date for the committee studying prescription drug access. (Eff. 6/11/01)
- Chap. 52, **SB 40**, changing the method by which the insurance department assesses insurers to fund its administration fund. (Eff. 7/01/01)
- Chap. 53, **SB 50**, relative to the abatement of taxes in unincorporated towns or unorganized places. (Eff. 1/01/02)
- Chap. 54, **SB 85**, relative to collateralization of municipal trust funds. (Eff. 1/01/02)
- Chap. 55, **SB 89**, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application. (Eff. 6/11/01)
- Chap. 56, **SB 92**, relative to the distribution of special education funds. (Eff. 8/10/01)
- Chap. 57, **HB 107**, naming a certain bridge in the town of Milford and naming the LaMott Wing at the Glencliff Home for the Elderly. (Eff. 8/11/01)
- Chap. 58, **HB 255**, establishing a committee to study the practice of "body works." (Eff. 6/12/01)
- Chap. 59, **HB 452**, establishing a committee to study the reimbursement for expenses of legislators. (Eff. 6/12/01)
- Chap. 60, **HB 569**, establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire. (Eff. 6/12/01)
- Chap. 61, **HB 574**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law. (Eff. 6/12/01)
- Chap. 62, **HB 594**, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors. (Eff. 6/12/01)
- Chap. 63, **SB 23**, relative to the amount of interest on late paid property taxes which may be waived by the tax collector. (Eff. 4/01/01)
- Chap. 64, **SB 49**, establishing a committee to study the creation of a landlord-tenant mediation project. (Eff. 6/12/01)
- Chap. 65, **SB 71**, establishing a study committee relative to the regulation and compensation of persons licensed under the real estate practice act. (Eff. 6/12/01)
- Chap. 66, **SB 136**, establishing a committee to study the use of multi-disciplinary team investigations of child abuse and neglect allegations. (Eff. 6/12/01)
- Chap. 67, **HB 350**, relative to persons with disabilities participating in the work incentive program. (Eff. 8/14/01)
- Chap. 68, **HB 129**, relative to amending condominium instruments governing assignment of limited common areas. (Eff. 8/18/01)
- Chap. 69, **HB 166**, requiring the gas utility restructuring oversight committee to study gas and hazardous substance pipeline safety. (Eff. 6/19/01)
- Chap. 70, **HB 175**, relative to the amount of the homestead right. (Eff. 1/01/02)
- Chap. 71, **HB 194**, relative to municipal budget hearings, recommendations, and reports. (Eff. 7/01/01)
- Chap. 72, **HB 203**, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. (Eff. 7/12/01)
- Chap. 73, **HB 218**, relative to the motor vehicle road toll law and motor vehicle registration fees. (Eff. 7/01/01)



- Chap. 74, **HB 224**, relative to persons who may sign nomination papers. (Eff. 8/18/01)
- Chap. 75, **HB 245**, relative to the duties and staff of the state geologist. (Eff. 8/18/01)
- Chap. 76, **HB 403**, relative to the effective date of special contracts for telephone utilities. (Eff. 8/18/01)
- Chap. 77, **HB 416**, relative to fire safety inspections for foster family homes. (Eff. 8/18/01)
- Chap. 78, **HB 435**, relative to assessment of service charges by municipalities and counties that accept credit cards for payment of local taxes, utility charges, or other fees. (Eff. 8/18/01)
- Chap. 79, **HB 620**, relative to arrangements between birth parents and adoptive parents. (Eff. 8/18/01)
- Chap. 80, **HB 639**, relative to the preparation of town ballots. (Eff. 8/18/01)
- Chap. 81, **HB 663**, relative to lights on school buses. (Eff. 8/18/01)
- Chap. 82, **HB 680**, relative to foreign reinsurers. (Eff. 8/18/01)
- Chap. 83, **SB 13**, relative to the duties of a school nurse and relative to school food and nutrition programs. (Eff. 8/18/01)
- Chap. 84, **SB 14**, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries and ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett school districts. (Eff. 8/18/01)
- Chap. 85, **SB 42**, relative to charges for access to medical records. (Eff. 8/18/01)
- Chap. 86, **SB 45**, relative to the legislative oversight committee on electric utility restructuring and relative to service from a rural electric cooperative under special contracts. (Eff. 6/19/01)
- Chap. 87, **SB 59**, relative to the inclusion of a signature declaration and verification statement on teacher certification applications. (Eff. 8/18/01)
- Chap. 88, **SB 93**, establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act. (Eff. 6/19/01)
- Chap. 89, **SB 156**, relative to the suspension of drivers licenses of persons under 20 years of age. (Eff. 8/18/01)
- Chap. 90, **SB 169**, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut. (Eff. 1/01/02)
- Chap. 91, **HB 303**, relative to funding of training and certification of firefighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees. (Eff. 7/01/01)
- Chap. 92, **HB 370**, relative to the regulation of trapping by the fish and game department. (Eff. 8/20/01)
- Chap. 93, **HB 442**, establishing a study committee to examine the effects of protective custody on county correctional facilities and relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements. (Eff. 6/21/01)
- Chap. 94, **HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines. (Eff. 6/21/01)
- Chap. 95, **HB 595**, relative to single producer licensing. (Eff. 8/20/01)
- Chap. 96, **SB 47**, relative to ownership of certified public accounting firms. (Eff. 8/20/01)
- Chap. 97, **SB 55**, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles. (Eff. 6/21/01)
- Chap. 98, **SB 61**, establishing a procedure for summary administration of estates. (Eff. 7/21/01)
- Chap. 99, **SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families. (Eff. 6/21/01)
- Chap. 100, **SB 131**, establishing a study committee relative to charitable bingo operations. (Eff. 6/21/01)
- Chap. 101, **SB 150**, relative to community services for persons with developmental disabilities. (Eff. 8/20/01)
- Chap. 102, **HB 745**, revising Article 9 of the Uniform Commercial Code and related statutes. (Eff. 6/26/01)
- Chap. 103, **HB 105**, establishing an agricultural nutrient management program and making an appropriation therefor. (Eff. 7/01/01)
- Chap. 104, **HB 112**, establishing a study committee on issues relating to hospital business practices and managed care organizations' networks. (Eff. 6/26/01)
- Chap. 105, **HB 123**, relative to the retirement system classification for the director of the division of safety services, department of safety and relative to retirement allowances for certain state employees. (Eff. 6/26/2001)



- Chap. 106, **HB 164**, relative to exceptions to the confidentiality of certain department of employment security records. (Eff. 6/26/01)
- Chap. 107, **HB 305**, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief. (Eff. 7/01/01)
- Chap. 108, **HB 310**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. (Eff. 6/26/01)
- Chap. 109, **HB 347**, relative to terminal pay for certain state officials or employees. (Eff. 6/26/01)
- Chap. 110, **HB 371**, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant and relative to certain time periods for review by the joint legislative committee on administrative rules. (Eff. 8/25/01)
- Chap. 111, **HB 388**, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility. (Eff. 8/25/01)
- Chap. 112, **HB 394**, relative to short-term health insurance policies for certain persons. (Eff. 8/25/01)
- Chap. 113, **HB 396**, relative to the practice of physicians and surgeons. (Eff. 1/01/02)
- Chap. 114, **HB 413**, relative to ownership of rail properties. (Eff. 8/25/01)
- Chap. 115, **HB 459**, relative to inspection requirements for antique vehicles. (Eff. 1/01/02)
- Chap. 116, **HB 477**, relative to supplemental allowances for certain retired group 1 members of the New Hampshire retirement system. (Eff. 7/01/01)
- Chap. 117, **HB 501**, relative to licensure of foster homes and the duties of the department of health and human services advisory board. (Eff. 8/25/01)
- Chap. 118, **HB 520**, relative to clarifying qualifications of candidates. (Eff. 8/25/01)
- Chap. 119, **HB 534**, relative to "salvage" motor vehicles. (Eff. 8/25/01)
- Chap. 120, **HB 580**, requiring health insurance carriers to provide loss information to large employers at least once every 6 months. (Eff. 8/25/01)
- Chap. 121, **HB 443**, relative to a state energy plan and relative to road toll fees for vehicles powered by alternate energy sources. (Eff. 6/27/01)
- Chap. 122, **SB 19**, establishing a committee to study prevention of voter fraud. (Eff. 6/28/01)
- Chap. 123, **SB 20**, relative to possessory actions instituted on the basis of nonpayment of rent. (Eff. 1/01/01)
- Chap. 124, **SB 46**, relative to payments of scheduled awards under the workers' compensation law. (Eff. 8/27/01)
- Chap. 125, **SB 57**, relative to the economic development matching grants program. (Eff. 8/27/01)
- Chap. 126, **SB 83**, relative to the New Hampshire film and television commission. (Eff. 6/28/01)
- Chap. 127, **SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment. (Eff. 4/01/02)
- Chap. 128, **HB 311**, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. (Eff. 7/01/01)
- Chap. 129, **HJR 5**, encouraging the use of renewable energy systems in new or rehabilitated state buildings. (Eff. 6/28/01)
- Chap. 130, **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002 and June 30, 2003. (Eff. 7/01/01)
- Chap. 131, **HB 158**, relative to the use of an artificial light to locate moose. (Eff. 6/29/01)
- Chap. 132, **HB 219**, relative to the rules of the road involving school buses. (Eff. 6/29/01)
- Chap. 133, **HB 570**, relative to the unemployment compensation law and creating a dedicated fund for the job training program for economic growth and making certain changes to the program. (Eff. 6/29/01)
- Chap. 134, **HB 590**, permitting life insurance companies access to certain motor vehicle records. (Eff. 8/28/01)
- Chap. 135, **HB 591**, relative to certain prescription discount cards. (Eff. 1/01/02)
- Chap. 136, **HB 606**, relative to the Christa McAuliffe planetarium. (Eff. 7/01/01)
- Chap. 137, **HB 610**, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. (Eff. 8/28/01)
- Chap. 138, **HB 612**, relative to expenditures from the dam maintenance fund by the department of environmental services and extending a study committee report date. (Eff. 8/28/01)
- Chap. 139, **HB 615**, relative to the duties of motor vehicle inspectors and fees payable to the department of safety. (Eff. 7/01/01)

- Chap. 140, **HB 635**, relative to family mutual support services. (Eff. 8/28/01)
- Chap. 141, **HB 637**, requiring annual training for members of the workers' compensation appeals board. (Eff. 8/28/01)
- Chap. 142, **HB 677**, relative to certification and filing of nomination papers. (Eff. 8/28/01)
- Chap. 143, **HB 720**, relative to permitting the use of certain firearms for hunting deer. (Eff. 8/28/01)
- Chap. 144, **HB 769**, relative to fees paid by municipalities for excavating and dredging permit applications. (Eff. 7/01/01)
- Chap. 145, **SB 58**, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor. (Eff. 6/29/01)
- Chap. 146, **SB 62**, relative to guardianships. (Eff. 1/01/02)
- Chap. 147, **SB 82**, relative to service of process in marital matters. (Eff. 1/01/02)
- Chap. 148, **SB 98**, relative to notice requirements prior to the sale of manufactured housing parks. (Eff. 1/01/02)
- Chap. 149, **SB 100**, establishing a committee to study the feasibility of creating a mental health court division. (Eff. 6/29/01)
- Chap. 150, **SB 107**, relative to violations of motor vehicle laws by foreign diplomatic and consular officers. (Eff. 1/01/02)
- Chap. 151, **SB 121**, relative to the advisory committee on international trade. (Eff. 8/28/01)
- Chap. 152, **SB 132**, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends. (Eff. 8/28/01)
- Chap. 153, **SB 134**, establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways. (Eff. 6/29/01)
- Chap. 154, **SB 144**, increasing bail commissioners' fees. (Eff. 8/28/01)
- Chap. 155, **SB 165**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use. (Eff. 6/29/01)
- Chap. 156, **SB 174**, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services. (Eff. 8/28/01)
- Chap. 157, **SB 190**, dedicating the I-93 causeway at Moore Dam, the Cottage Street Bridge in Littleton, and the Smith Bridge in Plymouth. (Eff. 6/29/01)
- Chap. 158, **HB 170**, relative to state fees, funds, revenues, and expenditures. (Eff. 6/30/01)
- Chap. 159, **HB 135**, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. (Eff. 7/05/01)
- Chap. 160, **HB 140**, relative to interest on judgments. (Eff. 7/05/01)
- Chap. 161, **HB 152**, relative to expanding the legal methods of taking deer. (Eff. 1/01/03)
- Chap. 162, **HB 156**, relative to the detention of juveniles in delinquency proceedings. (Eff. 1/01/02)
- Chap. 163, **HB 160**, establishing a committee to study the issue of one-day/one-trial jurors. (Eff. 7/05/01)
- Chap. 164, **HB 177**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. (Eff. 7/05/01)
- Chap. 165, **HB 181**, relative to group II retirement system membership for police and corrections officers who become police trainers. (Eff. 7/01/01)
- Chap. 166, **HB 183**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Eff. 9/03/01)
- Chap. 167, **HB 186**, establishing a pesticides training program. (Eff. 7/01/01)
- Chap. 168, **HB 197**, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. (Eff. 7/05/01)
- Chap. 169, **HB 210**, relative to the penalties for persons convicted of subsequent DWI offenses and correcting the ignition interlock program laws. (Eff. 1/01/02)
- Chap. 170, **HB 261**, including the judiciary as a public employer under the public employee labor relations act. (Eff. 1/01/02)
- Chap. 171, **HB 265**, prohibiting the sale of rolling papers to minors. (Eff. 1/01/02)
- Chap. 172, **HB 275**, relative to the expenditure of funds received pursuant to the Workforce Investment Act. (Eff. 9/03/01)
- Chap. 173, **HB 276**, relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. (Eff. 7/01/01)

- Chap. 174, **HB 296**, relative to receiving stolen property. (Eff. 1/01/02)
- Chap. 175, **HB 302**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage. (Eff. 9/03/01)
- Chap. 176, **HB 308**, relative to administrative fees added to restitution payments. (Eff. 7/05/01)
- Chap. 177, **HB 326**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor. (Eff. 7/05/01)
- Chap. 178, **HB 387**, relative to the regulation of dentistry by the board of dental examiners. (Eff. 9/03/01)
- Chap. 179, **HB 453**, establishing a 4-year term for the commissioner of the department of corrections. (Eff. 9/03/01)
- Chap. 180, **HB 471**, relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons. (Eff. 7/01/01)
- Chap. 181, **HB 481**, relative to access to certain communications common carrier records. (Eff. 9/03/01)
- Chap. 182, **HB 493**, exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act. (Eff. 9/03/01)
- Chap. 183, **HB 511**, relative to continuing medical education requirements for physicians. (Eff. 9/03/01)
- Chap. 184, **HB 573**, relative to the role of certain advanced registered nurse practitioners in the state mental health services system. (Eff. 9/03/01)
- Chap. 185, **HB 579**, relative to nominating a political organization by nomination papers. (Eff. 8/18/01)
- Chap. 186, **HB 583**, making certain changes to the underground utility damage prevention system. (Eff. 1/01/02)
- Chap. 187, **HB 596**, relative to the acquisition of land by a town. (Eff. 9/03/01)
- Chap. 188, **HB 648**, authorizing licensing of homeless youth programs. (Eff. 9/03/01)
- Chap. 189, **HB 659**, relative to penalties for attempting to purchase firearms illegally. (Eff. 1/01/02)
- Chap. 190, **HB 684**, relative to the occupational therapy practice act. (Eff. 9/03/01)
- Chap. 191, **HB 698**, relative to verification of checklists. (Eff. 9/03/01)
- Chap. 192, **HB 719**, relative to the removal of public officials for cause. (Eff. 9/03/01)
- Chap. 193, **HB 740**, relative to decommissioning of nuclear electric generating facilities. (Eff. 7/05/01)
- Chap. 194, **HB 753**, relative to exemptions from issuer-dealer licenses for the sale of securities. (Eff. 7/01/01)
- Chap. 195, **SB 63**, relative to administration of estates and filing of wills by executors. (Eff. 1/01/02)
- Chap. 196, **SB 84**, relative to funeral processions. (Eff. 7/05/01)
- Chap. 197, **SB 106**, relative to consumers' cooperative associations. (Eff. 7/03/01)
- Chap. 198, **SB 167**, relative to the medicaid payment for long-term care services. (Eff. 7/05/01)
- Chap. 199, **HB 208**, changing the license requirement for operators collecting the meals and rooms tax and relative to a property tax exemption for the Woman's Club of Concord. (Eff. 7/01/01)
- Chap. 200, **HB 653**, relative to certain signs within highway rights-of-way. (Eff. 9/03/01)
- Chap. 201, **HB 760**, relative to the use of silencing devices for taking game. (Eff. 7/05/01)
- Chap. 202, **HB 25**, making appropriations for capital improvements. (Eff. 6/30/01)
- Chap. 203, **SB 54**, relative to the transfer of funds in the community-technical college system. (Eff. 9/09/01)
- Chap. 204, **SB 76**, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses. (Eff. 9/09/01)
- Chap. 205, **SB 99**, relative to the extension of time for filing a community benefits plan. (Eff. 7/11/01)
- Chap. 206, **SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7. (Eff. 7/11/01)
- Chap. 207, **SB 109**, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. (Eff. 7/11/01)
- Chap. 208, **SB 149**, changing the definition of "person" with respect to motor vehicle records and certification and permitting certain medical researchers access to motor vehicle records. (Eff. 7/11/01)
- Chap. 209, **SB 152**, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. (Eff. 1/01/02)



- Chap. 210, **SB 168**, relative to education property tax hardship relief. (Eff. 7/01/01)
- Chap. 211, **SB 170**, making certain changes to the excavation tax and excavation activity tax. (Eff. 4/01/02)
- Chap. 212, **SB 176**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Eff. 7/01/01)
- Chap. 213, **SB 184**, relative to review of fees for the removal and impoundment of motor vehicles. (Eff. 1/01/02)
- Chap. 214, **HB 103**, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime. (Eff. 1/01/02)
- Chap. 215, **HB 202**, relative to the legislative ethics committee. (Eff. 7/11/01)
- Chap. 216, **HB 271**, relative to criminal liability for the conduct of another. ((Eff. 1/01/02)
- Chap. 217, **HB 361**, establishing a committee to study certain policies and procedures in the department of corrections. (Eff. 7/11/01)
- Chap. 218, **HB 374**, relative to surcharges on pay telephone use. (Eff. 7/11/01)
- Chap. 219, **HB 390**, relative to the Live-Birth Infants Protection Act. (Eff. 9/09/01)
- Chap. 220, **HB 402**, relative to the establishment of a state universal service fund. (Eff. 7/01/01)
- Chap. 221, **HB 412**, requiring the public higher education study committee to study the feasibility of granting state franchise rights to providers of on-line education courses. (Eff. 9/09/01)
- Chap. 222, **HB 446**, relative to spousal and child support enforcement. (Eff. 9/09/01)
- Chap. 223, **HB 499**, making state-appointed advisory committees subject to the right-to-know law. (Eff. 1/01/02)
- Chap. 224, **HB 525**, relative to property and casualty insurance. (Eff. 9/09/01)
- Chap. 225, **HB 554**, establishing a division of information technology within the department of safety. (Eff. 7/01/01)
- Chap. 226, **HB 584**, relative to the registration and licensure of OHRV dealers and rental agents. (Eff. 7/01/01)
- Chap. 227, **HB 616**, clarifying sessions to be held at the satellite district court in Durham. (Eff. 9/09/01)
- Chap. 228, **HB 667**, relative to certain reporting requirements and relative to meetings of the board of medicine. (Eff. 9/09/01)
- Chap. 229, **HB 699**, relative to the rights of non-offending parents in the context of abuse and neglect cases. (Eff. 1/01/02)
- Chap. 230, **HB 764**, relative to the criminal offense of kidnapping. (Eff. 1/01/02)
- Chap. 231, **HB 131**, relative to the retention and disposal of certain financial disclosure forms. (Eff. 7/13/01)
- Chap. 232, **HB 288**, relative to the licensure of interpreters for the deaf and hard of hearing. (Eff. 7/01/01)
- Chap. 233, **HB 315**, relative to the registration of criminal offenders. (Eff. 1/01/02)
- Chap. 234, **HB 320**, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads. (Eff. 7/13/01)
- Chap. 235, **HB 328**, relative to fees of sheriffs and deputy sheriffs. (Eff. 9/11/01)
- Chap. 236, **HB 332**, relative to resuscitation protocols for emergency medical care providers. (Eff. 9/11/01)
- Chap. 237, **HB 337**, relative to the administration of the public utilities commission, establishing the position of executive director of the public utilities commission, and relative to the position of assistant commissioner of the department of corrections. (Eff. 7/01/01)
- Chap. 238, **HB 357**, relative to periodic payments of judgments. (Eff. 1/01/02)
- Chap. 239, **HB 373**, relative to surety bonds for detective agencies and security services. (Eff. 9/11/01)
- Chap. 240, **HB 405**, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. (Eff. 7/13/01)
- Chap. 241, **HB 408**, relative to the regulation of nursing by the board of nursing. (Eff. 7/01/01)
- Chap. 242, **HB 426**, relative to the voluntary scrapie flock certification program. (Eff. 9/11/01)
- Chap. 243, **HB 444**, relative to mental health services and records. (Eff. 9/11/01)
- Chap. 244, **HB 451**, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations. (Eff. 7/13/01)
- Chap. 245, **HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. (Eff. 7/13/01)



- Chap. 246, **HB 509**, establishing a statute of limitations on spousal support orders. (Eff. 1/01/02)
- Chap. 247, **HB 547**, authorizing participation in a regional electronic toll collection system. (Eff. 7/13/01)
- Chap. 248, **HB 578**, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board. (Eff. 9/11/01)
- Chap. 249, **HB 585**, relative to the membership and duties of the council on resources and development. (Eff. 9/11/02)
- Chap. 250, **HB 588**, relative to examination of persons called as jurors. (Eff. 1/01/02)
- Chap. 251, **HB 603**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. (Eff. 9/11/01)
- Chap. 252, **HB 604**, relative to increasing certain fees and making other changes to fish and game licenses. (Eff. 1/01/02)
- Chap. 253, **HB 643**, extending the moratorium on new nursing home beds. (Eff. 7/13/01)
- Chap. 254, **HB 652**, relative to the penalties for reckless or negligent operation of a motor vehicle. (Eff. 1/01/02)
- Chap. 255, **HB 676**, establishing a committee to study the creation of a regional program for collection and marketing of certain components of the municipal solid waste stream. (Eff. 7/13/01)
- Chap. 256, **HB 702**, relative to the duties of the committee to study the consumer protection effort in New Hampshire, relative to the membership of the long-term care board, and establishing a task force on privacy issues. (Eff. 7/01/01)
- Chap. 257, **HB 703**, relative to durable powers of attorney. (Eff. 1/01/02)
- Chap. 258, **HB 707**, establishing a 211 commission. (Eff. 7/13/01)
- Chap. 259, **HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles. (Eff. 7/01/01)
- Chap. 260, **HB 731**, relative to securities laws, making a change to Article 9 of the Uniform Commercial Code, and relative to standards for records filed with a registry of deeds. (Eff. 7/13/01)
- Chap. 261, **SB 18**, relative to termination of small trusts. (Eff. 1/01/02)
- Chap. 262, **SB 21**, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing. (Eff. 7/13/01)
- Chap. 263, **SB 51**, relative to financial holding companies, establishing a cash dispensing machines study committee, and relative to the participation in meetings by out-of-state, nondepository trust company directors, and clarifying the status of student loans. (Eff. 7/13/01)
- Chap. 264, **SB III**, extending the payment of group health insurance premiums for certain retired members of the retirement system. (Eff. 7/01/01)
- Chap. 265, **SB 139**, relative to uniform electronic transactions. (Eff. 9/11/01)
- Chap. 266, **SB 192**, relative to the issuance of high/medium voltage licenses by the electricians' board. (Eff. 7/01/01)
- Chap. 267, **SB 197**, establishing a judicial conduct commission. (Eff. 7/01/01)
- Chap. 268, **HB 215**, relative to publication of status of cases before the supreme court. (Eff. 7/01/01)
- Chap. 269, **HB 238**, relative to interstate banking. (Eff. 1/01/02)
- Chap. 270, **HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (Eff. 7/16/01)
- Chap. 271, **HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (Eff. 7/16/01)
- Chap. 272, **HB 259**, relative to holding sessions for correction of checklists. (Eff. 9/14/01)
- Chap. 273, **HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift. (Eff. 7/16/01)
- Chap. 274, **HB 277**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Eff. 7/16/01)
- Chap. 275, **HB 279**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to payment of medical benefits costs for group II members of the retirement system; and relative to the election of optional allowances by certain retirement system members granted disability retirement benefits. (Eff. 7/1/01)

- Chap. 276, **SB 41**, relative to technical corrections for life, accident and health insurance. (Eff. 9/14/01)
- Chap. 277, **SB 48**, relative to the rental of shared living facilities. (Eff. 1/01/02)
- Chap. 278, **SB 53**, relative to attorneys' fees in certain circumstances under the workers' compensation law. (Eff. 9/14/01)
- Chap. 279, **SB 74**, relative to providing services under the Child Protection Act. (Eff. 1/01/02)
- Chap. 280, **SB 148**, relative to certain penalties for violations of the youth tobacco laws and establishing a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission. (Eff. 7/16/01)
- Chap. 281, **SB 157**, relative to state government information dissemination and access. (Eff. 9/14/01)
- Chap. 282, **HB 126**, relative to the board of pharmacy and the regulation of pharmacists. (Eff. 7/01/01)
- Chap. 283, **HB 132**, relative to the damage or destruction of an emergency vehicle or emergency services equipment. (Eff. 9/14/01)
- Chap. 284, **HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Eff. 1/01/02)
- Chap. 285, **HB 274**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (Eff. 7/16/01)
- Chap. 286, **HB 743**, transferring the department of youth development services to the department of health and human services. (Eff. 9/14/01)
- Chap. 287, **HB 354**, extending the kindergarten construction program. (Eff. 7/01/01)
- Chap. 288, **HB 385**, changing the name, membership and duties of the office of volunteerism. (Eff. 9/15/01)
- Chap. 289, **HB 450**, relative to work product and relative to attorneys' fees under the right-to-know law. (Eff. 7/17/01)
- Chap. 290, **HB 543**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. (Eff. 7/01/01)
- Chap. 291, **HB 649**, relative to compensation for time lost by state employees injured in the line of duty. (Eff. 7/01/01)
- Chap. 292, **HB 726**, relative to change of school assignment and transfers of public school pupils and relative to the voting procedures for authorizing certain capital projects in interstate school districts. (Eff. 7/17/01)
- Chap. 293, **HB 758**, relative to the sale of gasoline containing ethers and establishing a gasoline remediation and elimination of ethers fund. (Eff. 7/01/01)
- Chap. 294, **SB 68**, relative to school district placements of children living in foster homes. (Eff. 9/15/01)
- Chap. 295, **SB 118**, relative to individual health insurance coverage and extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. (Eff. 7/01/01)
- Chap. 296, **SB 119**, relative to small group health insurance coverage. (Eff. 9/15/01)
- Chap. 297, **SB 193**, relative to changes in the property tax system and making an appropriation therefor. (Eff. 7/17/01)

## RECESS

(Rep Stritch in the Chair)

## RESOLUTION

Rep. Alukonis offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1118 through 1153 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 1118**, relative to participation by certain judges in the state employee group health and dental insurance programs. (Reid, Straff 12: Executive Departments and Administration)

**HB 1119-FN-L**, relative to landfill closing costs reimbursed by the department of environmental services. (Patten, Carr 9: Environment and Agriculture)

**HB 1120**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough. (Patten, Carr 9; Torressen, Carr 10; Quimby, Carr 10; Johnson, Dist 3: Resources, Recreation and Development)

**HB 1121**, relative to planning board recommended programs of capital improvements. (Patten, Carr 9; Thulander, Hills 6: Municipal and County Government)

**HB 1122**, establishing a committee to study statistical patterns of DWI offenses. (Thompson, Hills 47: Criminal Justice and Public Safety)

**HB 1123**, establishing a committee to study the feasibility of integrating the functions of the departments of education and health and human services. (Sova, Graf 11: Executive Departments and Administration)

**HB 1124**, establishing a committee to evaluate the administration of the Medicaid "In and Out" Program. (C. Bouchard, Merr 22; Seldin, Merr 17; Teschner, Graf 5: Finance)

**HB 1125**, extending insurance coverage by health service corporations to certain call firefighters and emergency medical technicians employed by municipalities. (Czech, Belk 5; Russell, Belk 5: Commerce)

**HB 1126-FN-A**, establishing the weights and measures laboratory accreditation program. (Melcher, Hills 11; L. Pratt, Coos 4; B. Williams, Graf 8: Environment and Agriculture)

**HB 1127**, relative to the timing for the filing of an affidavit for the disposition of nursing home patient accounts after death. (Brundige, Hills 18; Roberge, Dist 9: Judiciary)

**HB 1128-FN**, relative to the retirement system classification for the director of field services, department of corrections. (C. Bouchard, Merr 22: Executive Departments and Administration)

**HB 1129**, relative to discriminatory practices by owners of public accommodations. (Bruno, Hills 4: Judiciary)

**HB 1130**, increasing the rate of workers' compensation. (Mears, Coos 7; Espieffs, Ches 19; Wheeler, Dist. 21: Labor, Industrial and Rehabilitative Services)

**HB 1131**, establishing a committee to study increasing the number of physicians who are New Hampshire residents. (S. Harris, Sull 9; Pilliod, Belk 3; Batula, Hills 18; Chandler, Carr 1; Herman, Hills 13; Hollingworth, Dist 23; Wheeler, Dist 21; Disnard, Dist 8; Burns, Dist 1; O'Hearn, Dist 12: Health, Human Services and Elderly Affairs)

**HB 1132**, relative to grip height on motorcycles. (Packard, Rock 29; Letourneau, Rock 13: Transportation)

**HB 1133**, relative to intrastate fresh pursuit. (Reid, Straf 12: Criminal Justice and Public Safety)

**HB 1134**, relative to lighting requirements for motor vehicles and trailers. (Reid, Straf 12: Transportation)

**HB 1135**, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire. (French, Merr 3; Richardson, Ches 12; O'Hearn, Dist 12: Health, Human Services and Elderly Affairs)

**HB 1136**, proclaiming February 14 as Congenital Heart Defect Awareness Day. (Chalbeck, Rock 8; Holden, Hills 7; Weed, Ches 19; Dionne, Hills 1; Gatsas, Dist 16; Barnes, Dist 17; D'Allesandro, Dist 20: Health, Human Services and Elderly Affairs)

**HB 1137**, relative to the crime of resisting arrest. (Knowles, Straf 11; Stevens, Carr 7; K. Gilbert, Rock 19: Criminal Justice and Public Safety)

**HB 1138**, requiring the attorney general to initiate a declaratory judgement action concerning record title matters related to the Green Hills subdivision in the town of Raymond. (Bishop, Rock. 12; W. Kelley, Rock 12: Municipal and County Government)

**HB 1139**, allowing the governor to enter into reciprocal international child support agreements. (Dowling, Rock 13: Children and Family Law)

**HB 1140**, providing for the nomination and appointment of a "state treasure." (Dickinson, Carr 2: Executive Departments and Administration)

**HB 1141**, relative to the adoption of innovative land use zoning. (McKim, Ches 3: Municipal and County Government)

**HB 1142**, relative to the advisory council on unemployment compensation. (Mears, Coos 7: Labor, Industrial and Rehabilitative Services)

**HB 1143**, establishing a committee to study self-certification of hazardous waste small quantity generators. (Melcher, Hills 11: Environment and Agriculture)



**HB 1144**, establishing a committee to study access to the polls by disabled persons and the use of new technology to accommodate disabled voters. (Buckley, Hills 44: Election Law)

**HB 1145-FN-A**, requiring metal detectors in the state house and legislative office building and making an appropriation therefor. (Giordano, Rock 26; Griffin, Rock. 27; Dionne, Hills. 1: Legislative Administration)

**HB 1146**, relative to candidate qualifications for school district office. (Packard, Rock 29: Education)

**HB 1147**, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction. (L. Jean, Hills 17; Welch, Rock. 18; Craig, Hills 38; J. Pratt, Ches 2; Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 1148**, naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson, Jr. State Office Complex. (Mirski, Graf 12; Putnam, Rock 15; Dickinson, Carr 2; Chandler, Carr 1; Pepino, Hills 40; Roberge, Dist 9; Francoeur, Dist 14; Klemm, Dist 22; Barnes, Dist 17; Johnson, Dist 3: Public Works and Highways)

**HB 1149**, establishing a committee to study the efficiency of the long-term care facility survey process. (Micklon, Rock 26; P. Katsakiores, Rock 13; Downing, Rock 26; McGuire, Rock 26; Dalrymple, Rock 26; Griffin, Rock 27; Seldin, Merr.17: Health, Human Services and Elderly Affairs)

**HB 1150**, relative to insurance compliance self-audits. (L. Fraser, Merr 9: Commerce)

**HB 1151**, establishing a commission to examine the status of public school curriculum requirements in civic education. (Chandler, Carr 1; Sova, Graf 11; Klemm, Dist 22: Education)

**HB 1152**, establishing a committee to study methods for clarifying the division of authority between boards of selectmen and elected chiefs of police. (Giuda, Graf 3; Sapareto, Rock 13; Tholl, Coos 5: Municipal and County Government)

**HB 1153**, relative to the jurisdiction of the board of manufactured housing. (Wheeler, Hills 7; M. Fuller Clark, Rock 36: Commerce)

## RECESS

### (Speaker Chandler in the Chair)

## RESOLUTION

Rep. Francoeur offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1154 through 1187 and House Concurrent Resolutions numbered 22 through 24 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS and HCRs

### First, second reading and referral

**HB 1154**, relative to appeals of historic district commissions. (Drisko, Hills 22: Municipal and County Government)

**HB 1155**, relative to the unauthorized use of firearms in towns and cities. (Giuda, Graf 3; Rozek, Coos 7; Gilman, Graf 1: Municipal and County Government)

**HB 1156**, relative to the issuance of building permits on private roads. (Patten, Carr 9; Stohl, Coos 1: Municipal and County Government)

**HB 1157**, providing for the local option to apply the current use laws. (Sova, Graf 11: Municipal and County Government)

**HB 1158**, relative to the definition of "party." (Brewster, Merr 1: Election Law)

**HB 1159**, prohibiting mail-order pharmacies from substituting generic drugs without written authorization. (Taylor, Straf 11: Commerce)

**HB 1160-FN-L**, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville. (P. Allen, Ches 7: Resources, Recreation and Development)

**HB 1161**, relative to youth employment. (Mears, Coos 7; Pilliod, Belk 3: Labor, Industrial and Rehabilitative Services)

**HB 1162**, relative to unsolicited electronic mail. (Avery, Ches 8; Bruno, Hills 4; C. Moore, Merr 19: Commerce)



**HB 1163**, relative to child passenger restraints. (R. L'Heureux, Hills 18; Gorman, Hills 29; C. Bouchard, Merr 22; Greco, Merr 12; Roberge, Dist 9; Larsen, Dist 15: Transportation)

**HB 1164**, renaming the Sugden House in Odiorne State Park in the town of Rye as the Clark House. (Varrell, Rock 9: Public Works and Highways)

**HB 1165**, establishing a committee to study issues arising from State v. Laurie. (Hopper, Hills 5: Judiciary)

**HB 1166**, relative to sign restrictions regarding alcoholic beverages. (Avery, Ches 8: Commerce)

**HB 1167**, relative to wine tasting. (Avery, Ches 8: Commerce)

**HB 1168**, relative to ambulatory surgical facilities owned in whole or in part by a hospital. (Martel, Hills 45; P. Katsakiores, Rock 13: Health, Human Services & Elderly Affairs)

**HB 1169**, relative to the termination of safe deposit box leases. (Taylor, Straf 11; L. Fraser, Merr 9: Commerce)

**HB 1170**, extending the environmental audit program. (Melcher, Hills 11: Environment and Agriculture)

**HB 1171**, establishing a committee to study the state's role in supporting organic agriculture. (Rabideau, Rock 16: Environment and Agriculture)

**HB 1172**, relative to the adoption of rules for certain wetland permits. (Royce, Ches 9: Resources, Recreation and Development)

**HB 1173**, relative to the identification and notification of putative fathers. (Arnold, Hills 20: Children and Family Law)

**HB 1174-FN-L**, requiring the provision of educational opportunities to expelled pupils. (Rodd, Merr 3: Education)

**HB 1175**, relative to proclaiming oneself a New Hampshire native. (L. Jean, Hills 17; Sargent, Hills 3; Mock, Carr 3; Disnard, Dist 8: Judiciary)

**HB 1176**, limiting the hours available for telephone solicitation. (Pantelakos, Rock 30: Commerce)

**HB 1177**, enforcing the prohibition on the possession and use of tobacco products by minors through the juvenile statutes. (L. Christiansen, Hills 23: Children and Family Law)

**HB 1178-FN**, relative to the recreational taking of lobster by scuba diving. (Harrington, Straf 4; Hopper, Hills 5: Resources, Recreation and Development)

**HB 1179**, establishing a task force to investigate the feasibility of utilizing the Concord to Lincoln rail corridor for passenger service. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Nowe, Rock 3; J. Flanders, Rock 18; P. Cote, Hills 32; Prescott, Dist 19; Boyce, Dist 4; Johnson, Dist 3; Larsen, Dist 15: Transportation)

**HB 1180**, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Nowe, Rock 3; J. Flanders, Rock 18: Transportation)

**HB 1181**, requiring registration of political parties. (J. Bradley, Carr 8: Election Law)

**HB 1182**, establishing a committee to study a managed care model for New Hampshire's home and community-based care system. (Dalrymple, Rock 26; Emerton, Hills 7: Health, Human Services and Elderly Affairs)

**HB 1183**, establishing a committee to study the conformity of administrative rules to statutory authority. (L. Christiansen, Hills 23: Executive Departments and Administration)

**HB 1184-FN**, permitting the department of health and human services to use the National Medical Support Notice. (Wallner, Merr 24; Emerton, Hills 7: Commerce)

**HB 1185-FN**, relative to the possession of deadly weapons in a safe school zone. (Artz, Hills 34; Dionne, Hills 1, Furman, Hills 34: Criminal Justice and Public Safety)

**HB 1186-FN**, relative to penalties for flag desecration. (Thompson, Hills 47; Hill, Rock 29; Introne, Rock 29; Greenberg, Hills 46; Balcom, Hills 18: Criminal Justice and Public Safety)

**HB 1187-FN**, relative to criminal penalties for possession of a firearm in a safe school zone. (W. Johnson, Belk 4; D. Flanders, Belk 7; Knowles, Straf 11; Pilliod, Belk 3; Thomas, Belk 3; Johnson, Dist 3: Criminal Justice and Public Safety)

**HCR 22**, encouraging multiple use management and access for future land transfers to the White Mountain National Forest. (Gilman, Graf 1; Whalley, Merr 5; Chandler, Carr 1; Scanlan, Graf 11; Rozek, Coos 7; Boyce, Dist 4; Burns, Dist 1; Johnson, Dist 3; Gordon, Dist 2: State-Federal Relations and Veterans Affairs)

**HCR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest. (Teschner, Graf 5; Chandler, Carr 1; R. Cooney, Rock 26; Alger, Graf 9; Wall, Straf 9; Gordon, Dist 2; Below, Dist 5; Johnson, Dist 3; Burns, Dist 1; Disnard, Dist 8: State-Federal Relations and Veterans Affairs)

**HCR 24**, urging the federal government to declare a moratorium on major airline industry mergers. (Coughlin, Hills 12; Buckley, Hills 44: State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Lynde in the Chair)

## RESOLUTION

Rep. Gilmore offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1188 through 1199 and 1201 through 1228, House Concurrent Resolutions numbered 25 and 26, and Constitutional Amendment Concurrent Resolutions numbered 30 and 31 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HCRs, and CACRs

### First, second reading and referral

**HB 1188**, prohibiting discrimination because of political belief. (Brewster, Merr 1: Judiciary)

**HB 1189**, relative to the plea of guilty but insane. (Marshall Quandt, Rock 20; Matthew Quandt, Rock 20: Criminal Justice and Public Safety)

**HB 1190**, relative to local school management of teacher hiring and retention. (Alger, Graf 9; Sova, Graf 11; Sullivan, Carr 2: Education)

**HB 1191**, establishing a committee to study the expansion of opportunities for teacher certification and the election of members of the state board of education. (Alger, Graf 9; Sova, Graf 11; Sullivan, Carr 2: Education)

**HB 1192**, relative to the use of enrollment by residence data in the calculation of adequate education grants. (Alger, Graf 9; Cox, Rock 24; Sova, Graf 11; Winter, Merr 2: Finance)

**HB 1193-L**, relative to local enforcement of junk yards and motor vehicle recycling yards. (Alger, Graf 9; Stone, Rock 7: Municipal and County Government)

**HB 1194**, relative to medical records. (Taylor, Straf 11: Health, Human Services & Elderly Affairs)

**HB 1195**, relative to the comprehensive shoreland protection act. (Palermo, Rock 21: Resources, Recreation and Development)

**HB 1196**, enabling municipalities to adopt a property tax exemption for deaf persons. (Burnham, Ches 8; Pilliod, Belk. 3: Municipal and County Government)

**HB 1197-FN**, relative to providing notice of invasive species to New Hampshire citizens. (Bruno, Hills 4: Environment and Agriculture)

**HB 1198**, relative to the minimum hourly rate for certain employees. (Mears, Coos 7: Labor, Industrial and Rehabilitative Services)

**HB 1199-FN**, providing for the certification of septage haulers. (Philbrick, Carr 4; Patten, Carr 9: Environment and Agriculture)

**HB 1201**, relative to charitable trust customer data. (Taylor, Straf 11; Tsiros, Straf 3: Commerce)

**HB 1202-FN**, reducing fees for municipal permits for registration of certain hybrid vehicles. (Corbin, Rock 9: Municipal and County Government)

**HB 1203**, relative to retroactive health insurance denials. (Francoeur, Rock 22; Crosby, Merr 20: Commerce)

**HB 1204**, relative to administrative rulemaking of the sweepstakes commission. (Lovett, Graf 6: Executive Departments and Administration)

**HB 1205**, relative to the availability of motor vehicle records for the distribution of seat belt safety materials. (C. Bouchard, Merr 22: Transportation)

**HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II member in the performance of duty. (Baroody, Hills 42; Pepino, Hills 40; Clegg, Hills 23: Executive Departments and Administration)

**HB 1207**, relative to the regulation of the installation and servicing of fire suppression systems. (Holland, Rock 26: Executive Departments and Administration)

**HB 1208**, relative to real estate broker liens. (Pappas, Hills 48: Commerce)

- HB 1209**, relative to a civil rights act for health care providers. (Souza, Hills 40; Hopper, Hills 5; Albert, Straf 17; Balboni, Hills 27; Palermo, Rock 21: Health, Human Services & Elderly Affairs)
- HB 1210**, relative to training to be a licensed esthetician. (Pantelakos, Rock 30; Cohen, Dist 24: Executive Departments and Administration)
- HB 1211**, prohibiting insurers from discriminating against a person on the basis of the person holding elective office. (Lynde, Hills 24: Commerce)
- HB 1212**, relative to certain disclosures in real estate sales. (L. Christiansen, Hills 23: Commerce)
- HB 1213**, relative to personal school records of pupils. (Micklon, Rock 26; Holland, Rock 26: Education)
- HB 1214**, relative to medical waste incinerators and to the polyvinyl chloride content of medical waste. (Lynde, Hills 24; J. Bradley, Carr 8: Environment and Agriculture)
- HB 1215**, relative to county delegations. (Jacobson, Merr 2: Municipal and County Government)
- HB 1216**, erecting a historic sign in Berlin honoring its original settlers. (Dyer, Hills 8; Guay, Coos 6; Gallus, Coos 7; Mears, Coos 7; Landers, Coos 2; Burns, Dist 1: Public Works and Highways)
- HB 1217**, relative to payment of trust income. (Hunt, Ches 10: Commerce)
- HB 1218**, relative to the regulation of pharmacists and prescription drug orders. (Millham, Belk 4: Executive Departments and Administration)
- HB 1219**, establishing a committee to study ways to implement the principles of state health care reform. (French, Merr 3; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)
- HB 1220**, relative to assisted living residences and housing for older persons. (Kurk, Hills 5; Sargent, Hills 3; Batula, Hills 18: Commerce)
- HB 1221**, relative to coordinating certain town and school district meetings. (Ward, Graf 1: Municipal and County Government)
- HB 1222**, exempting ice-out contests from the laws regulating games of chance. (Ward, Graf 1: Criminal Justice and Public Safety)
- HB 1223**, establishing a committee to study the model insurance rating laws. (Nowe, Rock 3: Commerce)
- HB 1224**, adopting the nurse licensure compact. (Buckley, Hills 44; Clayton, Hills 39: Executive Departments and Administration)
- HB 1225**, relative to disclosure of referral restrictions. (Bruno, Hills 4: Commerce)
- HB 1226-L**, allowing discretionary easements to include barns used for farming. (Bruno, Hills 4: Municipal and County Government)
- HB 1227**, relative to the appraisal of affordable housing developments. (Potter, Merr 24: Municipal and County Government)
- HB 1228**, relative to union dues. (Palermo, Rock 21; Weyler, Rock 18: Labor, Industrial and Rehabilitative Services)
- HCR 25**, encouraging an increased distribution of federal money from the military budget to the states. (French, Merr 3; Richardson, Ches 12; Millham, Belk 4; Pilliod, Belk 3; M. Fuller Clark, Rock 36; Wheeler, Dist 21; Pignatelli, Dist 13: State-Federal Relations and Veterans Affairs)
- HCR 26**, urging the U.S. Food and Drug Administration to remove all unapproved prescription fluoride products from the market. (Richardson, Ches 12: State-Federal Relations and Veterans Affairs)
- CACR 30**, relating to the legislature's authority to define and fund education, education taxes, and delegation of power to local school districts. Providing that the legislature shall have the authority to determine the content, extent, beneficiaries, and funding of education or to delegate that authority to local school districts; and it shall have the authority to determine the proportion of taxes necessary to fund public education which shall be provided by state and local taxes and judicial review of the legislative determination shall be limited to whether the legislature has a rational basis for its decision. (Alger, Graf 9; Welch, Rock 18; Sova, Graf 11; Boyce, Belk 5; Boyce, Dist 4: Finance)
- CACR 31**, relating to the valuation of real estate. Providing that real property in the state shall be valued in accordance with the method enacted into law by the general court and at such times as it shall order. (Weyler, Rock 18: Ways and Means)

## RECESS

(Rep. Hunt in the Chair)

## RESOLUTION

Rep. Martha Fuller Clark offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1229 through 1249 and 1251 through 1273 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.



**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1229-FN-A-L**, relative to funding of special education. (Giuda, Graf 3; Rozek, Coos 7; Gilman, Graf 1: Education)

**HB 1230-FN**, establishing the office of the special education advocate. (Sova, Graf 11: Education)

**HB 1231-FN**, implementing a pre-engineering technology curriculum in the public high schools in the state. (Leber, Merr 1; Edwards, Ches 19; Tahir, Hills 38; C. Bouchard, Merr 22; Rausch, Rock 13; Gordon, Dist 2; Flanders, Dist 7; O'Hearn, Dist 12; Johnson, Dist 3; Larsen, Dist 15: Education)

**HB 1232-FN-L**, relative to the confidentiality of library user records. (McRae, Hills 7; Emerton, Hills 7; Bruno, Hills 4; Sullivan, Carr 2; Boyce, Dist 4: Children and Family Law)

**HB 1233-FN-A**, requiring an audit of the department of education and making an appropriation therefor. (Sullivan, Carr 2; Giuda, Graf 3; Gilman, Graf 1; Roberge, Dist 9; Boyce, Dist 4: Education)

**HB 1234-FN**, relative to an education property tax cap for retired residents. (Giuda, Graf 3; Rozek, Coos 7: Ways and Means)

**HB 1235**, relative to operation of motorized vessels and safe boater education. (C. Christensen, Hills 18; Whalley, Merr 5: Resources, Recreation and Development)

**HB 1236-FN**, abolishing the marital master program. (Elliott, Hills 2: Judiciary)

**HB 1237**, relative to a conflict of interest policy for persons having a substantial interest in grants awarded by or contracts with a state agency. (Gorman, Hills 29; D. Cote, Hills 29; Clemons, Hills 31: Executive Departments and Administration)

**HB 1238**, requiring seating accommodations in retail establishments. (Furman, Hills 34; Dowling, Rock 13; D. Cote, Hills 29: Commerce)

**HB 1239-FN-A**, relative to off-track wagering by certain establishments. (Corbin, Rock 9: Ways and Means)

**HB 1240**, establishing a property tax limitation and credit for elderly persons and increasing the amount of the homestead right for elderly persons. (Emerson, Ches 13; Dickinson, Carr 2; Pilliod, Belk 3: Municipal and County Government)

**HB 1241-FN**, relative to salaries for the wardens of department of corrections facilities. (Knowles, Straf 11: Executive Departments and Administration)

**HB 1242**, relative to the required vote for approving school district bond articles. (Micklon, Rock 26; Holland, Rock 26: Municipal and County Government)

**HB 1243**, relative to safety devices required for transporting logs, lumber, or timber. (Leber, Merr 1; Scanlan, Graf 11; Burns, Dist 1: Transportation)

**HB 1244**, establishing a committee to study the curriculum content of an adequate education. (Sova, Graf 11; Scanlan, Graf 11: Education)

**HB 1245-FN**, requiring applicants for recreational licenses issued by the fish and game department to provide his or her social security number. (Lyman, Carr 5: Fish and Game)

**HB 1246**, relative to the chairperson of the board of recount in school district recounts. (Emerton, Hills 7; Arnold, Hills 20; Kurk, Hills 5; Hess, Merr 11; D'Allesandro, Dist 20: Election Law)

**HB 1247**, establishing a study committee to determine the feasibility of assessing land transfer fees on land bought by public agencies from private entities for conservation purposes. (Gilman, Graf 1; Burns, Dist 1: Resources, Recreation and Development)

**HB 1248-FN**, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies. (Gilman, Graf 1: Executive Departments and Administration)

**HB 1249**, adopting the model Drug Dealer Liability Act. (Clegg, Hills 23; Soltani, Merr 10; Johnson, Dist 3; Eaton, Dist 10: Judiciary)

**HB 1251**, relative to the use of mercury amalgam fillings by dentists. (Lynde, Hills 24; Flanagan, Rock 14: Health, Human Services and Elderly Affairs)

**HB 1252**, relative to the membership of the wetlands council. (Gabler, Graf 8; Odell, Sull 5; Camm, Rock 17; Phinizy, Sull 7: Resources, Recreation and Development)

**HB 1253**, relative to possessory actions against tenants. (Potter, Merr 24; Craig, Hills 38: Judiciary)

**HB 1254**, relative to the budget preparation procedures of municipalities. (Sova, Graf 11; Scanlan, Graf 11; Alger, Graf 9: Municipal and County Government)

**HB 1255-FN**, relative to an extended term license to carry a concealed firearm. (Kennedy, Merr 7: Criminal Justice and Public Safety)



**HB 1256**, relative to Clark Pond Road in the town of Haverhill. (Teschner, Graf 5; Cobb, Graf 5; Gordon, Dist 2: Public Works and Highways)

**HB 1257**, relative to oaths by public employees. (L. Christiansen, Hills 23: Judiciary)

**HB 1258-FN**, relative to post-conviction DNA testing. (Lasky, Hills 33; Clemons, Hills 31; Craig, Hills 38: Criminal Justice and Public Safety)

**HB 1259-FN-L**, relative to the base cost for calculating adequate education grants. (Hess, Merr 11; Ward, Graf 1; Kurk, Hills 5: Finance)

**HB 1260-FN**, relative to certification and licensing of teachers and school administrators. (Sova, Graf 11: Education)

**HB 1261-FN**, relative to penalties for DWI offenses. (Thompson, Hills 47: Criminal Justice and Public Safety)

**HB 1262-FN-A-L**, relative to implementing on-line exchange of voter registration information and making an appropriation therefor. (Sova, Graf 11: Election Law)

**HB 1263-FN-A-L**, establishing the statewide cost of an adequate education at zero dollars and repealing the education property tax. (Vaillancourt, Hills 44: Ways and Means)

**HB 1264-FN-L**, returning all municipal fines to the municipality. (Pepino, Hills 40: Finance)

**HB 1265-FN**, permitting certain gaming enforcement officers to be group II members of the New Hampshire retirement system. (Reid, Straf 12: Executive Departments and Administration)

**HB 1266-FN**, relative to the appointment of a guardian of the estate of a minor. (K. Dionne, Hills 1: Children and Family Law)

**HB 1267-FN-L**, relative to a ban on landfilling and incinerating aluminum cans. (Babson, Carr 5: Environment and Agriculture)

**HB 1268-FN**, establishing a net operating loss deduction in computing the business profits tax. (Sapareto, Rock 13; Mercer, Hills 27; J. Bradley, Carr 8; Norelli, Rock 31; Lasky, Hills 33; Boyce, Dist 4; Cohen, Dist 24: Ways and Means)

**HB 1269-FN**, requiring the department of health and human services to compile and maintain abortion statistics. (Itse, Rock 11: Health, Human Services and Elderly Affairs)

**HB 1270-FN**, making technical corrections due to the repeal of the legacies and succession tax. (Almy, Graf 14; McGuirk, Ches 1: Ways and Means)

**HB 1271-FN**, relative to dental care insurance for state employees and retired state employees. (Emerton, Hills 7; Clayton, Hills 39; D'Allesandro, Dist 20: Executive Departments and Administration)

**HB 1272-FN-A-L**, establishing a statewide special education funding pool. (Gilman, Graf 1: Finance)

**HB 1273-FN**, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. (Alger, Graf 9; Dickinson, Carr 2: Resources, Recreation and Development)

## RECESS

(Rep. Patten in the Chair)

## RESOLUTION

Rep. Mercer offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1274 through 1299 and 1301 through 1339 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 1274**, relative to deputy town clerks. (Patten, Carr 9: Municipal and County Government)

**HB 1275-FN-L**, relative to approval of budget calculations in the default budget of a municipality using the official ballot system. (Sova, Graf 11: Municipal and County Government)

**HB 1276**, permitting pharmacists to dispense emergency contraception. (Gilmore, Straf 11; Pilliod, Belk 3; MacKay, Merr 24; C. Bouchard, Merr 22; Wheeler, Dist 21: Executive Departments and Administration)

**HB 1277**, increasing the optional veterans' property tax credit. (Gilmore, Straf 11; Cobb, Graf 5: Municipal and County Government)

**HB 1278**, establishing an abortion waiting period. (Thompson, Hills 47; Balboni, Hills 27; Mirski, Graf 12; Itse, Rock 11: Judiciary)

**HB 1279-FN-A**, making an appropriation for the purchase of equipment to record committee sessions. (Dyer, Hills 8; Sargent, Hills 3; Calawa, Hills 17; Major, Rock 16: Legislative Administration)

**HB 1280-FN**, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. (Vaillancourt, Hills 44; Soltani, Merr 10; Mirski, Graf 12; Phinizy, Sull 7: Transportation)

**HB 1281**, establishing a commission to study public educational choice initiatives. (Alger, Graf 9; Cox, Rock 24; O'Hearn, Dist 12; Johnson, Dist 3: Education)

**HB 1282**, establishing a committee to study the impact of legalized casino gambling on the state of New Hampshire. (Vaillancourt, Hills 44; Holden, Hills 7: Ways and Means)

**HB 1283**, establishing a committee to study state and local regulation of helicopter landings. (Leach, Hills 9; Balcom, Hills 18; Weed, Ches 19; McGuire, Rock 26: Transportation)

**HB 1284**, relative to the time frame for petitions for zoning changes submitted to local planning boards. (Leach, Hills 9; Scovner, Graf 13; Bergin, Hills 16; Melcher, Hills 11; Flanders, Dist 7: Municipal and County Government)

**HB 1285**, relative to the applicability of the stalking statute to minors. (Leach, Hills 9; Coughlin, Hills 12; Norelli, Rock 31; Robb, Sull 11; Flanders, Dist 7: Criminal Justice and Public Safety)

**HB 1286**, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted. (Leach, Hills 9; Coughlin, Hills 12; Norelli, Rock 31; K. Dionne, Hills 1; Fernald, Dist 11; Flanders, Dist 7: Criminal Justice and Public Safety)

**HB 1287**, establishing a committee to study the need for additional training of attorneys representing clients in domestic relations matters. (Power, Rock 13: Children and Family Law)

**HB 1288**, relative to regular meetings of local planning boards. (Leach, Hills 9; Scovner, Graf 13; Goulet, Hills 15; Melcher, Hills 11; Flanders, Dist 7: Municipal and County Government)

**HB 1289**, relative to personal health and financial information privacy. (Kurk, Hills 5; Taylor, Straf 11: Commerce)

**HB 1290**, relative to genetic information. (Kurk, Hills 5; Below, Dist 5: Commerce)

**HB 1291**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. (Burnham, Ches 8; Manning, Ches 9; Millham, Belk 4; MacKay, Merr 24: Education)

**HB 1292**, relative to interpreters for the deaf in certain governmental or public proceedings. (Burnham, Ches 8; MacKay, Merr 24; Emerton, Hills 7; Pilliod, Belk 3; McCarley, Dist 6: Judiciary)

**HB 1293**, relative to the specificity of criminal complaints and warrants. (R. L'Heureux, Hills 18; Welch, Rock 18; Roberge, Dist 9: Criminal Justice and Public Safety)

**HB 1294-FN-A**, reducing the tobacco tax. (Dickinson, Carr 2; Nowe, Rock 3: Ways and Means)

**HB 1295**, establishing an environmental services review commission. (Bruno, Hills 4: Executive Departments and Administration)

**HB 1296**, relative to ambient groundwater quality standards. (Bruno, Hills 4: Resources, Recreation and Development)

**HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation. (Bruno, Hills 4: Municipal and County Government)

**HB 1298**, relative to signage for the adopt-a-highway program. (Bruno, Hills 4: Public Works and Highways)

**HB 1299-FN**, relative to premarital preparation courses. (Hopper, Hills 5; J. Hutchinson, Merr 15; Souza, Hills 40; Albert, Straf 17; Cohen, Dist 24: Children and Family Law)

**HB 1301**, relative to grounds for divorce for persons with minor children. (Hopper, Hills 5; Matthew Quandt, Rock 20; Gilman, Graf 1; Stohl, Coos 1; Boyce, Dist 4; Roberge, Dist 9; Johnson, Dist 3: Children and Family Law)

**HB 1302-FN**, relative to the purchase of certain prior service credit by members of the retirement system. (Pepino, Hills 40; Baroody, Hills 42; Marshall Quandt, Rock 20: Executive Departments and Administration)

**HB 1303-FN**, prohibiting the wearing of certain facial coverings. (Pepino, Hills 40; Baroody, Hills 42: Criminal Justice and Public Safety)

**HB 1304**, prohibiting preferences in hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. (Harrington, Straf 4; Twombly, Straf 16; Mirski, Graf 12; Itse, Rock 11; Marshall Quandt, Rock 20; Boyce, Dist 4: Executive Departments and Administration)

**HB 1305-FN**, relative to the pollution prevention program. (O'Connell, Hills 13: Environment and Agriculture)

**HB 1306-FN-L**, increasing the county's portion of fees collected from the real estate transfer tax. (Cloutier, Sull 8; Gilmore, Straf 11; Dokmo, Hills 14: Municipal and County Government)

**HB 1307**, relative to the Dover-Somersworth-Durham district court. (Heon, Straf 14; Hughes, Straf 14; Snyder, Straf 14; Berube, Straf 14: Judiciary)

**HB 1308**, relative to checklist corrections on election day. (M. Cooney, Graf 7; Naro, Graf 7: Election Law)

**HB 1309**, prohibiting arrests for violation-level offenses. (L. Jean, Hills 17; Kurk, Hills 5; Welch, Rock 18; D. White, Hills 25; J. Pratt, Ches 2; Boyce, Dist 4; Fernald, Dist 11; Eaton, Dist 10: Criminal Justice and Public Safety)

**HB 1310**, relative to the city of Manchester's contributory retirement system. (Buckley, Hills 44; Pepino, Hills 40; Messier, Hills 46; Baroody, Hills 42: Executive Departments and Administration)

**HB 1311**, relative to expunging certain mental health records. (L. Jean, Hills 17: Judiciary)

**HB 1312**, establishing a committee to study the needs of the Native American population in New Hampshire. (Power, Rock 13: State-Federal Relations and Veterans Affairs)

**HB 1313**, relative to spreading sludge on excavation sites for reclamation. (Melcher, Hills 11; Babson, Carr 5; B. Williams, Graf 8; O'Connell, Hills 13: Environment and Agriculture)

**HB 1314**, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees. (DiFruscia, Rock 27; Corbin, Rock 9; Weyler, Rock 18; Vaillancourt, Hills 44; Phinizy, Sull 7: Legislative Administration)

**HB 1315**, relative to requiring revaluation of property. (DiFruscia, Rock 27; Phinizy, Sull 7; Bruno, Hills 4: Municipal and County Government)

**HB 1316**, eliminating the application of the rule against perpetuities in certain trusts which contain safeguards relative to the continued alienability of property. (Moran, Hills 15; Goulet, Hills 15; Roberge, Dist 9: Judiciary)

**HB 1317-FN-A-L**, targeting aid for education to certain school districts. (Hess, Merr 11; Kurk, Hills 5; Ward, Graf 1: Ways and Means)

**HB 1318**, relative to the regulation of the use of pharmaceutical agents by licensed optometrists. (Micklon, Rock 26; Holland, Rock 26; Giordano, Rock 26; Downing, Rock 26; Clegg, Hills 23; Johnson, Dist 3; Disnard, Dist 8; Gordon, Dist 2: Executive Departments and Administration)

**HB 1319-FN-A-L**, establishing the New Hampshire electronic gaming commission, creating New Hampshire electronic gaming districts, and authorizing the licensing and use of electronic gaming machines and equipment. (Micklon, Rock 26; Holland, Rock 26; P. Katsakiores, Rock 13: Ways and Means)

**HB 1320**, establishing a committee to study establishing enterprise zones in economically deprived communities. (J. Hutchinson, Merr 15; M. Fuller Clark, Rock 36; Gonzalez, Hills 48; MacKay, Merr 24: Municipal and County Government)

**HB 1321-L**, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits. (Elliott, Hills 2: Municipal and County Government)

**HB 1322**, requiring a super majority vote for adoption of certain tax legislation. (Weyler, Rock 18; Harrington, Straf 4; Boyce, Dist 4: Ways and Means)

**HB 1323**, establishing a committee to study performance-based public salaries. (Weyler, Rock 18: Executive Departments and Administration)

**HB 1324-FN**, requiring that budget requests made by the state government be limited by inflationary and population growth indices. (Weyler, Rock 18; Marshall Quandt, Rock 20; Rogers Johnson, Rock 25; Major, Rock 16; Harrington, Straf 4; Giuda, Graf. 3; Boyce, Dist 4: Finance)

**HB 1325**, prohibiting payroll deductions by public employers for political activities and prohibiting coercive actions against public employees to obtain political contributions. (Weyler, Rock 18: Labor, Industrial and Rehabilitative Services)



**HB 1326**, establishing a committee to study the veterinary/medical education loan program and the veterinary/medical/optometric loan program. (Weyler, Rock 18; Thulander, Hills 6; Johnson, Dist 3: Education)

**HB 1327**, establishing a committee to study the recodification of railroad statutes in New Hampshire. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Nowe, Rock 3; J. Flanders, Rock 18; P. Cote, Hills 32; Prescott, Dist 19: Transportation)

**HB 1328**, establishing a committee to define "instructional hour" and "instructional time" for the purposes of primary and secondary education. (Sullivan, Carr 2; Alger, Graf 9; Sova, Graf 11: Education)

**HB 1329-FN**, relative to fiscal notes. (Sullivan, Carr 2; Sapareto, Rock 13; Weyler, Rock 18; Balboni, Hills 27: Legislative Administration)

**HB 1330-FN**, requiring state agencies to respond to fiscal note requests in a timely manner. (Sullivan, Carr 2; Giuda, Graf 3; Rogers Johnson, Rock 25; Sapareto, Rock 13; Weyler, Rock 13; Roberge, Dist 9: Finance)

**HB 1331**, requiring that the effect on revenues, expenditures, and fiscal liability be included in the reports of house standing committees. (Sullivan, Carr 2; Sapareto, Rock 13; Weyler, Rock 18; J. Hutchinson, Merr 15; Rogers Johnson, Rock 25: Legislative Administration)

**HB 1332-FN-A**, requiring an audit of New Hampshire housing finance authority programs and making an appropriation therefor. (Sullivan, Carr 2; Balboni, Hills 27; Weyler, Rock 18; Marshall Quandt, Rock 20; Gilman, Graf 1; Boyce, Dist 4; Roberge, Dist 9: Commerce)

**HB 1333**, establishing a committee to study the definition of an adequate education. (Sullivan, Carr 2; Sova, Graf 11; Boyce, Dist 4: Education)

**HB 1334-FN**, relative to a certain highway project in Brookfield, New Hampshire. (J. Bradley, Carr 8; Kenney, Carr 6; Johnson, Dist 3: Public Works and Highways)

**HB 1335**, excluding the services of a broker-dealer agent from the definition of employment for unemployment compensation purposes. (L. Fraser, Merr 9: Labor, Industrial and Rehabilitative Services)

**HB 1336-FN**, permitting wine manufacturers to maintain restaurants or catering facilities. (Avery, Ches 8: Commerce)

**HB 1337**, establishing a study committee to review and determine steps to fully implement the infant deafness program. (Burnham, Ches 8; MacKay, Merr 24; Millham, Belk 4; Pilliod, Belk 3; Manning, Ches 9; McCarley, Dist 6; O'Hearn, Dist 12: Health, Human Services and Elderly Affairs)

**HB 1338**, clarifying that the judicial council is responsible for payment of indigent defense expenses. (Mock, Carr 3: Judiciary)

**HB 1339**, relative to the offices of forest fire warden and deputy forest fire warden. (Shaw, Hills 45; Baroody, Hills 42: Municipal and County Government)

## RECESS

(Rep. Bruno in the Chair)

## RESOLUTION

Rep. Dyer offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1340 through 1349 and 1351 through 1382, House Concurrent Resolution numbered 27 and Constitutional Amendment Concurrent Resolution numbered 32 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HCR, CACR

### First, second reading and referral

**HB 1340**, establishing a committee to study the feasibility of computerizing and consolidating demographic information. (Lent, Straf 8; M. Fuller Clark, Rock 36: Science, Technology and Energy)

**HB 1341**, relative to permissible uses of education property tax revenues. (Henderson, Rock 20: Ways and Means)

**HB 1342**, relative to preparation of fiscal notes. (Clegg, Hills 23; Gilman, Graf 1; Francoeur, Dist 14: Legislative Administration)

**HB 1343**, relative to processing excavating and dredging permits. (Phinizy, Sull 7; Camm, Rock 17: Resources, Recreation and Development)

**HB 1344-L**, establishing a village plan alternative in zoning and land use planning laws. (Mirski, Graf 12: Municipal and County Government)



- HB 1345**, relative to sex education instruction in public schools. (Palermo, Rock 21; McHugh, Hills 26; Souza, Hills 40: Education)
- HB 1346**, relative to participation in certain health education programs. (Palermo, Rock 21; Arndt, Rock 27: Education)
- HB 1347-FN**, authorizing the department of health and human services to intercept insurance payments if there is unpaid child support. (Emerton, Hills 7: Children and Family Law)
- HB 1348**, clarifying the law regarding title-exempted vehicles. (Artz, Hills 34; Kennedy, Merr 7; O'Hearn, Dist 12: Transportation)
- HB 1349-FN-A**, establishing a New Hampshire power authority. (Gilmore, Straf 11; D. White, Hills 25: Science, Technology and Energy)
- HB 1351-FN**, granting group II retirement system status to certain positions in the department of corrections. (Dyer, Hills 8; Emerton, Hills 7; Flanders, Dist 7: Executive Departments and Administration)
- HB 1352-FN-L**, relative to establishing a hazardous duty classification in the length of service awards program. (Dyer, Hills 8; C. Hall, Hills 8: Municipal and County Government)
- HB 1353-FN-A-L**, relative to video lottery at the racetracks. (Dickinson, Carr 2; Baroody, Hills 42; Belanger, Rock 26; Lessard, Hills 23; Thomas, Belk 3; Cooney, Rock 26; Roberts, Ches 4: Ways and Means)
- HB 1354-FN**, licensing body art practitioners. (Dickinson, Carr 2; Cossette, Straf 19; Millham, Belk 4; Seldin, Merr 17: Executive Departments and Administration)
- HB 1355-FN-L**, relative to merging unincorporated places with abutting municipalities in Coos county. (Guay, Coos 6; Rozek, Coos 7; Gallus, Coos 7: Municipal and County Government)
- HB 1356-FN**, establishing the criminal offense of felony pursuit. (Stone, Rock 7; Barnes, Dist 17; Pignatelli, Dist 13: Criminal Justice and Public Safety)
- HB 1357-FN**, relative to the form of drivers' licenses. (Dickinson, Carr 2: Transportation)
- HB 1358-FN-L**, relative to valuation of property for purposes of assessing the education property tax. (Cox, Rock 24; Langley, Rock 24: Ways and Means)
- HB 1359-FN**, establishing a department of financial services. (Elliott, Hills 2; Sargent, Hills 3; K. Dionne, Hills 1: Executive Departments and Administration)
- HB 1360-FN**, relative to appointments and qualifications of marital masters and procedures for cases heard by marital masters. (Elliott, Hills 2; Sargent, Hills 3; K. Dionne, Hills 1: Judiciary)
- HB 1361-FN**, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers. (R. Letourneau, Rock 13; R. L'Heureux, Hills 18; Johnson, Dist 3: Commerce)
- HB 1362-FN-A**, establishing a state-owned casino to provide funds for public education. (K. Hutchinson, Rock 29; DiFruscia, Rock 27: Ways and Means)
- HB 1363-FN-L**, requiring the state to reimburse counties for the costs of incarcerating certain prisoners. (Cloutier, Sull 8; Gilmore, Straf 11; Dokmo, Hills 14: Criminal Justice and Public Safety)
- HB 1364-FN**, requiring an accounting of dedicated funds in the budgetary process. (Almy, Graf 14; J. Gilbert, Rock 25: Finance)
- HB 1365-FN**, requiring that the county departments of correction be charged the medicaid or lowest rate for inmates who need medical services within the community. (Odell, Sull 5; Phinizy, Sull 7; Jones, Sull 3; Prescott, Dist 19: Criminal Justice and Public Safety)
- HB 1366-FN**, establishing a state employee cost-saving award program. (McHugh, Hills 26; Moran, Hills 15; Power, Rock 13; Arnold; Hills 20; Boyce, Dist 4; O'Hearn, Dist 12: Executive Departments and Administration)
- HB 1367-FN**, relative to the childhood lead poisoning prevention program. (Millham, Belk 4; Pilliod, Belk 3; French, Merr 3: Health, Human Services and Elderly Affairs)
- HB 1368-FN**, adopting the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure as law. (DiFruscia, Rock 27; Phinizy, Sull 7; Soltani, Merr 10: Judiciary)
- HB 1369-FN-L**, requiring cities and towns to complete valuations of property and relative to the implementation of education property tax hardship relief provisions. (DiFruscia, Rock 27; Phinizy, Sull 7: Municipal and County Government)
- HB 1370**, relative to establishing a 6-year capital budget. (Leber, Merr 1; Weyler, Rock 18; Cloutier, Sull 8; E. Smith, Ches 6; Morse, Rock 28; Eaton, Dist 10; Flanders, Dist 7; Gordon, Dist 2: Public Works and Highways)

**HB 1371-FN-A-L**, relative to state aid for provision of an adequate education, and for additional local education tax relief. (V. Clark, Rock 17: Education)

**HB 1372-FN**, relative to certain residential care facilities. (Millham, Belk 4; Sargent, Hills 3; Case, Rock 2; Batula, Hills 18: Health, Human Services and Elderly Affairs)

**HB 1373-FN**, relative to the participation in the New Hampshire retirement system by certain school district employees. (Dexter, Ches 11: Executive Departments and Administration)

**HB 1374-FN**, requiring the department of environmental services to bear certain clean-up costs. (Gilman, Graf 1: Environment and Agriculture)

**HB 1375-FN**, relative to the sale of land by the department of transportation. (Gilman, Graf 1: Public Works and Highways)

**HB 1376-FN**, relative to distribution of tobacco settlement funds. (Pilliod, Belk 3; Burnham, Ches 8; Emerton, Hills 7; Millham, Belk 4; Wheeler, Dist 21: Finance)

**HB 1377-FN**, relative to the regulation of physical therapists. (Bruno, Hills 4: Executive Departments and Administration)

**HB 1378-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. (Mirski, Graf 12; Sova, Graf 11: Executive Departments and Administration)

**HB 1379-FN**, affirming the state's sovereignty and revising the state's labor laws application to elected and appointed officials. (L. Christiansen, Hills 23: Judiciary)

**HB 1380-FN**, relative to parental consent for abortions performed on children less than 16 years of age. (Souza, Hills 40; Drabinowicz, Hills 36; Boyce, Belk 5; Pepino, Hills 40; Hopper, Hills 5; Martin, Hills 34; Martel, Hills 45; Gilman, Graf 1; Gonzalez, Hills 48; Barnes, Dist 17; Roberge, Dist 9; Boyce, Dist 4: Judiciary)

**HB 1381-FN-A**, requiring licensing of public bathing facilities and of the operators, designers, and installers of public bathing facilities. (French, Merr 3; R. Cooney, Rock 26; Johnson, Dist 3: Executive Departments and Administration)

**HB 1382-FN**, revising requirements for restoring excavation sites. (B. Hall, Hills 20: Environment and Agriculture)

**HCR 27**, urging Congress to release information to the public regarding restrictions placed on Italian-American citizens of the United States during World War II. (Pepino, Hills 40; DiFruscia, Rock 27; Giordano, Rock 26; Sapareto, Rock 13; Soltani, Merr 10; Bruno, Hills 4; D'Allesandro, Dist 20: State-Federal Relations and Veterans Affairs)

**CACR 32**, relating to the number of members of the senate and senatorial districts. Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries. (Phinizy, Sull 7; Dickinson, Carr 2; Gallus, Coos 7: Election Law)

## RECESS

### (Speaker Chandler in the Chair)

### COMMITTEE ASSIGNMENTS

Rep. Dudley Daniels Dumaine on Municipal and County Government.

Rep. David M. Dionne on Transportation.

Rep. Robert E. Murphy on Fish and Game.

Rep. Pamela Russell Slack on Commerce.

Rep. Laurie J. Boyce, off Legislative Administration; on Municipal and County Government.

Rep. Carlos E. Gonzalez, off Children and Family Law; on Legislative Administration.

Rep. Cynthia J. Dokmo, off Municipal and County Government; on Children and Family Law.

Rep. Peter M. Sullivan on State Federal Relations and Veterans Affairs.

Rep. Michael O'Neil on Executive Departments and Administration.

Rep. Kimberly Dionne off Municipal and County Government; on State-Federal Relations and Veterans Affairs.

Rep. Frank Guinta, off State-Federal Relations and Veterans Affairs; on Municipal and County Government.

Rep. Scanlan moved that the House adjourn.

Adjourned.

## HOUSE JOURNAL No. 23

Wednesday, December 12, 2001

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrews Episcopal Church in Hopkinton.

Blessed Creator, we gather this morning to carry on the legislative work of our beloved New Hampshire. We are deeply mindful that at this moment there are men and women of our state and nation in harm's way seeking to defend the freedom of our country and bring to justice those who attacked us on September 11<sup>th</sup>. We earnestly ask Your blessing and protection of our armed forces, our allies, and the men and women of our police and fire services who risk their lives daily for our protection. May the work done in this House today be guided by the increasing light of Your compassion and may all we do uphold and protect peace, liberty and justice for all. Amen.

Rep. William Leber led the Pledge of Allegiance.

Nashua High School students Keyser Bezerra, Kristie Upschulte, Anna Wendel and John Woelflein sang our National Anthem and led the House in singing "God Bless America."

### LEAVES OF ABSENCE

Reps. Chabot, Ford, Lyman, Pilliod, Whittemore and Yeaton, the day, illness.

Reps. Julie Brown, Christopher Christensen, Dokmo, Dunlap, Konys, Mears, O'Connell, Palermo, Marsha Pelletier, Teschner and Weyler, the day, important business.

Rep. Flint, the day, illness in the family.

### INTRODUCTION OF GUESTS

Nick and Maria Tsiros, guests of Rep. Tsiros. 11<sup>th</sup> and 12<sup>th</sup> grade Government Class from Trinity Christian Academy, guests of Rep. Rodeschin. Jane and Jeffrey Higgins, guests of Rep. Rabideau. Former Representative Henry Sullivan, guest of Rep. Gerald McCarthy. Albert Sorensen III, guest of Rep. Ham. Anneka Benn, daughter of Rep. Benn. Former Representative Robert Dodge, guest of Reps. Case and Nowe. Phobe Ramos, guest of Rep. Salts. Former Representative Shirley Elliott, mother of Reps. Kimberly Dionne and Elliott. Jim Carew, guest of Rep. Sargent and Elliott. Paul Walker, guest of Rep. Balboni. Denise Herman, Cris and Molly Hewitt, guests of Rep. Thompson. Tammy, Nicholas and Julie Lajoie, daughter and grandchildren of Rep. DiFruscia.

### SPECIAL GUESTS

Personnel from the Division of Administrative Services responsible for the recent repair work at the Upham Walker House were recognized by the House: Michael Conner, Administrator, Bureau of General Services, Spencer Avery, Bill Charron, Thomas Kennedy, Robert Killilea, William Lawrence, Dennis Barnard, George Relf, Philip Gagnon, Bob Rose, Matt Savoy, Mark Wojtkiewica, Shawn Violette and Bill Hubbard.

### COMMUNICATIONS

June 12, 2001

Gene G. Chandler, Speaker of the House

It is with great regret that I must inform you of my pending resignation from the House of Representatives. I currently represent the people of District 42 (Manchester's Ward 6). Later this summer my family and I will be moving into our new home, which is not located in the district. Effective August 1, 2001, I will no longer be able to represent District 42. I would like to thank everyone at the State House who has made this truly a wonderful learning experience. Hopefully in the future, I may find myself lucky enough to have the opportunity to serve again. Thank you.

Jeffrey S. Duval, Hills 42

The Speaker accepted the resignation with regret.

August 12, 2001

Gene G. Chandler, Speaker of the House

It is with deep regret that I submit to you my resignation from the New Hampshire House of Representatives. I have moved from my primary residence in Hampton to Fremont. As I walk away from my position in the New Hampshire Legislature, I do so with my head held high. Serving the people of Hampton and Hampton Falls was an honor I will hold forever. May God bless you and the Honorable House.

Ralph F. Woekel, Rock 22

The Speaker accepted the resignation with regret.

October 14, 2001

Gene G. Chandler, Speaker of the House

Please be advised that I shall no longer be a resident of Rockingham District 4 as of November 1, 2001. I, therefore, submit my resignation for the House of Representatives effective October 31, 2001.

Robert K. Dodge, Rock 4

The Speaker accepted the resignation with regret.

### FURTHER COMMUNICATIONS

August 22, 2001

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 29, Dudley Daniels Dumaine, r, Londonderry (7 Homestead Lane) 03053

William M. Gardner, Secretary of State

October 10, 2001

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 44, David M. Dionne, r, Manchester (317 Charlotte Street) 03103

William M. Gardner, Secretary of State

October 24, 2001

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 42, Robert E. Murphy, d, Manchester (331 Medford Street) 03109

Cheshire 15, Pamela Russell Slack, d, Keene (260 Beaver Street) 03431

William M. Gardner, Secretary of State

November 21, 2001

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 39, Peter M. Sullivan, d, Manchester (PO Box 1412) 03105

William M. Gardner, Secretary of State

December 5, 2001

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 22, Michael O'Neil, Hampton (PO Box 88) 03842

William M. Gardner, Secretary of State

The House of Representatives offered the following:



**HOUSE RESOLUTION NO. 14**

Memorializing State Representative David G. Poulin of Penacook

WHEREAS, we have learned with great sorrow of the death of our friend and colleague, David G. Poulin, who was serving his second term as a dedicated member of the House of Representatives from Merrimack County District 14; and

WHEREAS, David G. Poulin served with distinction for two terms as a valued and respected member of the Standing Committee on Executive Departments and Administration; and

WHEREAS, having been born in Manchester, New Hampshire, David G. Poulin chose to remain in his native State, living for many years in Manchester before settling in the village of Penacook, a community he represented for ten years on the Concord City Council; and

WHEREAS, having been possessed of high energy and abundant civic pride, David G. Poulin also served the citizenry of Penacook as the founder of the Contoocook River Festival, a member of the Board of Directors of the Penacook Community Center, and on the Economic Development Advisory Committee; and

WHEREAS, David G. Poulin was a well known fixture at the Szechuan Gardens restaurant and was also well known as the owner of a white Ford Galaxy convertible that was frequently filled with his beloved friends, antiques, or even with people who, by their own admission, fit both descriptions; and

WHEREAS, David G. Poulin proudly served as a member of the New Hampshire National Guard from 1963 through 1969; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that David G. Poulin be saluted and granted the highest accolades for his outstanding and dedicated service to his community and state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a copy of this Resolution be prepared for presentation to his family.  
Unanimously adopted by a rising vote.

Without objection, the Speaker moved that the remarks of Rep. Marilyn Fraser be entered into the Permanent Journal.

**REMARKS**

Rep. Fraser: Thank you, Mr. Speaker and fine honorable House members. Today I ask you to remember fellow House member David Poulin, "Dave" as we all called him. Dave left us very suddenly and unexpectedly a month ago, and since his passing he has been terribly missed by all. There seems to be such a void left without his earthly presence.

Rather than be saddened by his absence here in this chamber and on his committee, I would like to celebrate his too short of a life by sharing with you the "typical Dave." Dave represented Ward 1 in Concord, which is called Penacook, as a State Representative and a City Councilor. He was specifically known for his passion for Penacook, its people and the vitality of the community. He was the consummate public official in that he was always available at any time to deal with a constituent's question or need. He was the eyes and ears of this community and pursued all avenues to raise the level of safety, fairness, community and economic development. He brought people together to solve problems and reach compromise. It would be almost impossible to iterate all his accomplishments in his tenure of ten years on the Concord City Council.

Dave entered state politics with the same gusto and fervor that he did city government. His quest for fairness, bi-partisanism and hard work never wavered. His winning personality and calm demeanor did not diminish his determination for what he believed was the right thing to do. We have lost a valued member of this House, but we have gained the privilege of just having known him. Thank you.

**GOVERNOR'S VETO MESSAGE ON HB 201**

July 5, 2001

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 201, an Act relative to voters presenting identification to obtain a ballot.

The right to vote is the bedrock of our democracy. For over 200 years, the United States has transferred political power, not through violence, but through the peaceful use of the ballot box. Our forefathers died at Bunker Hill and Lexington and Concord to obtain this right; tens of thousands more have died in wars to protect our democracy. We must respect their memory by protecting the right of all of our citizens to vote.

New Hampshire is a leader in promoting the right to vote. Our same day registration laws permit every eligible citizen to vote with ease. Our ballots are simple to read, and easy to count. We should be proud of New Hampshire's efforts to encourage voting.

While the proponents of H.B. 201 say the purpose of this legislation is to protect our elections from fraud, there is no evidence that voter fraud is a problem in New Hampshire. That is, in large part, because our laws already provide protection from voter fraud. Our statutory requirement that the checklists be purged on a regular basis prevents "graveyard" voting. Our laws also permit any voter to challenge the identity and eligibility of any other voter, with any so challenged voter required to sign an affidavit under penalty of perjury before being permitted to vote.

H.B. 201 would have the effect of discouraging eligible voters from exercising their right to vote. Not all voters have drivers' licenses or passports. Under H.B. 201, if a voter either has no photo identification or forgets his or her wallet at home, and therefore has no photo identification to present, the ballot clerk must notify the voter of the affidavit provisions of the "challenge" statute, RSA 659: 27. That could be intimidating to many voters, particularly senior citizens, who have voted all their lives without being required to show photo identification. Moreover, no discretion is given to the ballot clerk under H.B. 201. No matter how well the ballot clerk knows the voter, he or she must still follow all the procedures laid out in H.B. 201. This would potentially cause lengthy delays for all voters.

Another problem with H.B. 201 is that it would create a system where there will be a lack of uniformity in voting procedures among our municipalities. Under H.B. 201 towns and cities must vote to adopt the photographic identification requirement. As a result, a voter in Londonderry might be required to show photo identification, while a voter in Derry would not. This lack of uniformity in voting procedures can lead to confusion among both voters and election officials.

On June 28, 2001 I signed into law Senate Bill 19, which establishes a committee to study the prevention of voter fraud. It would be premature to enact H.B. 201 while a legislative study of voter fraud laws is underway.

Almost one-third of all registered voters in New Hampshire did not vote in the November 2000 general election, an election where we were choosing the next President of the United States. While New Hampshire's voter turnout percentage compares well with the rest of the country, it is troubling that one-third of our voters last year did not exercise their franchise. Rather than erecting new barriers to voting, lawmakers should instead investigate why so many of our fellow citizens do not vote and develop public policy to encourage every eligible citizen to exercise this precious and fundamental right.

For all of the above reasons, and mindful that 225 years ago yesterday, our Founding Fathers approved the Declaration of Independence, putting their lives and property at risk for the sake of representative democracy, I am today vetoing House Bill 201.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 201**, relative to voters presenting identification to obtain a ballot, become law?

Reps. Arndt and Clegg spoke in favor.

Reps. John Pratt, Clemons and Buckley spoke against.

As required by the State Constitution, a roll call was taken.

**YEAS 228 NAYS 144**

**YEAS 228**

**BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Rice, Thomas Jr  
Wendelboe, Fran

Czech, Stanley  
Lawton, David  
Rosen, Ralph

Dewhirst, Glenn  
Millham, Alida  
Russell, David

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Torresen, Gary		

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Manning, Joseph
Roberts, William	Royce, H Charles	Smith, Edwin	

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Ward, Brien	Williams, Burton	

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Bouldin, Michael	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley
Drisko, Richard	Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Flora, Kathleen	Furman, Christine	Gargas, Carolyn
Gleneck, David	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Leach, Edward
Lessard, Rudy	Martel, Andre	McHugh, Claire	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Seibel, Christopher
Souza, Kathleen	Spiess, Paul	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald			

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Hager, Elizabeth
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camn, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Vivian	Cooney, Richard	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren

Hill, Jonathan  
Itse, Daniel  
Kelley, Jane  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stritch, C Donald  
Zolla, William

Holland, James Jr  
Johnson, Rogers  
Kelley, William  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela  
Varrell, Thomas

Hutchinson, Karen  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Rausch, James  
Sloan, Stephen  
Welch, David

Introne, Robert  
Katsakiores, Phyllis  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil  
Stone, Joseph  
Whittier, John

### STRAFFORD

Albert, Russell  
McCarthy, Gerald  
Twombly, James

Berube, Roger  
Musler, George  
Woods, Phyllis

Cossette, Larry  
Reid, Christopher

Harrington, Michael  
Tsiros, William

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 144

### BELKNAP

Johnson, William

Salatiello, Thomas

Wood, Jane

### CARROLL

None

### CHESHIRE

Allen, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Slack, Pamela Russell

Espieffs, Peter  
Pratt, Irene  
Weed, Charles

### COOS

Bradley, Paula

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Ham, Bonnie  
Pawlek, Marion

### HILLSBOROUGH

Andosca, Mary  
Cardin, Lori  
Cote, Peter  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Haley, Robert  
Kacavas, John  
Leishman, Peter  
Melcher, Harold  
Panagopoulos, Nicholas  
Sweeney, Cynthia

Baroody, Benjamin  
Clayton, William  
Craig, James  
Dwyer, Paul  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
Lynde, Harold  
Movesian, Lori  
Schulze, Joan  
White, John

Bellavance, Paul  
Clemons, Jane  
Daigle, Robert  
Eaton, Richard  
Gorman, Mary  
Jean, Claudette  
Lasky, Bette  
Martin, Mary Ellen  
Murphy, Robert  
Shaw, Barbara  
Williams, Carol

Buckley, Raymond  
Cote, David  
Dionne, David  
Foster, Linda  
Graham, John  
Johnson, Lionel  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Palangas, Eric  
Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
Davis, Frank  
Greco, Vincent  
Perkins, Randy  
Rush, Deanna

Clarke, Claire  
Fraser, Marilyn  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria

Crosby, Toni  
French, Barbara  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Daneault, Gabriel  
Gile, Mary  
Owen, Derek  
Rodd, Beth



**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Downing, Michael	Johnson, Robert	Kane, Cecelia	Kobel, Rudolph
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

**STRAFFORD**

Bickford, David	Brennan, William	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lachance, Douglas	Lent, Donald	Pelletier, Arthur
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James
Robb, Amy			

and the veto was sustained, lacking the necessary two-thirds.

**GOVERNOR'S VETO MESSAGE ON HB 399**

July 5, 2001

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 399, an Act relative to proof of qualifications for voter registration.

In order to be eligible to vote in New Hampshire, one must be a citizen of the United States, be 18 years of age or older, and be domiciled where he or she intends to vote. Under current New Hampshire law, supervisors of the checklist and town or city clerks may ask an applicant to provide proof of citizenship, age and domicile. If House Bill 399 became law, voting registration officials would be required to demand this proof.

I am vetoing H.B. 399 for the same reasons that I vetoed H.B. 201 today. The right to vote is a fundamental right. Restrictions should be placed on that right if, and only if, there is a compelling need. H.B. 399 does not meet that test. There is no evidence that voting fraud is a problem in New Hampshire, and it makes no sense to enact additional barriers to voting in the absence of such evidence. At the same time the legislature was passing H.B. 399 and H.B. 201, the legislature acknowledged the need for further study of this issue. On June 28, 2001 I signed into law Senate Bill 19, which establishes a committee to study the prevention of voter fraud. At the very least, it would be premature to enact H.B. 399 while a legislative study of voter fraud laws is underway. As I stated in my veto message for H.B. 201, while New Hampshire's voter turnout percentage compares well with the rest of the country, it is troubling that last year one-third of our registered voters did not exercise their franchise. Rather than erecting new barriers to voting, lawmakers should instead investigate why so many of our fellow citizens do not vote and develop public policy to encourage every eligible citizen to exercise this precious and fundamental right.

For all of the above reasons, and mindful that 225 years ago yesterday, our Founding Fathers approved the Declaration of Independence, putting their lives and property at risk for the sake of representative democracy, I am today vetoing House Bill 399.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 399**, relative to proof of qualifications for voter registration, become law?

Reps. Weatherspoon, and Panagopoulos spoke against.

Reps. Bragdon, Vaillancourt, Kennedy and Clegg spoke in favor.

As required by the State Constitution, a roll call was taken.

**YEAS 230 NAYS 143**

**YEAS 230****BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Rice, Thomas Jr  
Wendelboe, Fran

Czech, Stanley  
Lawton, David  
Rosen, Ralph

Dewhirst, Glenn  
Millham, Alida  
Russell, David

**CARROLL**

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Torresen, Gary

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Quimby, Lee

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Roberts, William

Dexter, Judson  
Hunt, John  
Royce, H Charles

Edwards, Dana  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Manning, Joseph

**COOS**

Davis, Perley  
Pratt, Leighton  
Woodward, David

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Stohl, Eric

Horton, Lynn  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Barker, Robert  
Gabler, William  
Mirski, Paul  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergin, Peter  
Brundige, Robert  
Christiansen, Lars  
Drisko, Richard  
Fields, Dennis  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McHugh, Claire  
Milligan, Robert  
Reeves, Sandra  
Seibel, Christopher  
Tate, Joan  
Wheeler, Robert

Alukonis, David  
Balcom, John  
Bouchard, David  
Bruno, Pierre  
Clegg, Robert Jr  
Dyer, Merton  
Fletcher, Richard  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
Moran, Edward  
Rowe, Robert  
Souza, Kathleen  
Thompson, Rob  
White, Donald

Arnold, Thomas Jr  
Batula, Peter  
Bouldin, Michael  
Calawa, Leon Jr  
Coughlin, Pamela  
Elliott, Larry  
Flora, Kathleen  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Pappas, Marc  
Salts, Greg  
Spiess, Paul  
Thulander, O Alan

Artz, Lawrence  
Bergeron, Jean-Guy  
Bragdon, Peter  
Carlson, Donald  
Dionne, Kimberley  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Messier, Irene  
Pepino, Leo  
Sargent, Maxwell  
Tahir, Saghir  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

Colcord, J D  
Fraser, Leo Jr  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

Cummings, Raymond  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Winter, Steven

Dunne, Christopher  
Hutchinson, John  
Leber, William  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin

Belanger, Ronald  
Carson, Sharon

Bishop, Franklin  
Case, Margaret

Bridle, Russell  
Chalbeck, Kevin

Clark, Vivian  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Rausch, James  
Sapareto, Frank  
Varrell, Thomas

Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil  
Sloan, Stephen  
Welch, David

Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stone, Joseph  
Whittier, John

Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela  
Stritch, C Donald  
Zolla, William

## STRAFFORD

Albert, Russell  
McCarthy, Gerald  
Twombly, James

Bickford, David  
Musler, George  
Woods, Phyllis

Cossette, Larry  
Reid, Christopher

Harrington, Michael  
Tsiros, William

## SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

## NAYS 143

## BELKNAP

Johnson, William

Salatiello, Thomas

Wood, Jane

## CARROLL

None

## CHESHIRE

Allen, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Meader, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Slack, Pamela Russell

Espiefs, Peter  
Pratt, Irene  
Weed, Charles

## COOS

Bradley, Paula

Landers, Dana

Rodrigue, Robert

## GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Ham, Bonnie  
Pawlek, Marion

## HILLSBOROUGH

Andosca, Mary  
Cardin, Lori  
Cote, Peter  
Dionne, David  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
Lynde, Harold  
Movsesian, Lori  
Peterson, Andrew  
Sweeney, Cynthia

Baroody, Benjamin  
Clayton, William  
Craig, James  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Jean, Claudette  
Lasky, Bette  
Martin, Mary Ellen  
Murphy, Robert  
Schulze, Joan  
White, John

Buckley, Raymond  
Cote, David  
Desrosiers, William  
Eaton, Richard  
Gorman, Mary  
Kacavas, John  
Leishman, Peter  
Melcher, Harold  
Panagopoulos, Nicholas  
Sullivan, Peter

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Jacobson, Alf	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Downing, Michael	Kane, Cecelia	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

**STRAFFORD**

Berube, Roger	Brennan, William	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lachance, Douglas	Lent, Donald	Pelletier, Arthur
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James
Robb, Amy			

and the veto was sustained, lacking the necessary two-thirds.

**GOVERNOR'S VETO MESSAGE ON HB 503**

July 5, 2001

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 503, an Act relative to incompatible offices.

H.B. 503 would prohibit a New Hampshire citizen from simultaneously seeking election to the New Hampshire House of Representatives and to any federal office. In an era when many seats for the New Hampshire House go uncontested, H.B. 503 makes no sense. In the 2000 general election, there was no Republican candidate for 54 House seats and no Democratic candidate for 112 House seats. Given the great number of House seats that are uncontested, the legislature should be considering ways to attract more candidates for the House, not ways to prevent willing candidates from running.

Current New Hampshire law expressly contemplates the possibility of a citizen being elected to two incompatible offices and provides an orderly process for resolution. Pursuant to RSA 659:85, "If... any person shall have received the largest number of votes for 2 or more incompatible offices, the secretary of state shall notify the candidate of that fact. Thereupon, the candidate shall, within 10 days, notify the secretary of state of which office he intends to accept. The secretary of state shall then declare that person elected to that office and declare vacant the other offices for which the person received a sufficient number of votes to win. Such a vacancy shall be filled as provided by RSA 661."

In addition, voters have the ultimate power in this situation. If New Hampshire voters are troubled by a citizen running simultaneously for both a state and federal office, voters can manifest their displeasure with such a candidate at the ballot box.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 503**, relative to incompatible offices, become law?

As required by the State Constitution, a roll call was taken.

**YEAS 220 NAYS 150**



**YEAS 220****BELKNAP**

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Millham, Alida	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John

**CARROLL**

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Torressen, Gary			

**CHESHIRE**

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Barker, Robert	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Ward, Brien	Williams, Burton	

**HILLSBOROUGH**

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Bouldin, Michael	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William
Dionne, Kimberley	Drisko, Richard	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Furman, Christine	Gargas, Carolyn	Gleneck, David	Golding, William
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Seibel, Christopher	Souza, Kathleen	Spiess, Paul	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

**MERRIMACK**

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	Hager, Elizabeth	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret

Clark, Vivian  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Rogers  
Kelley, William  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Rausch, James  
Sapareto, Frank  
Varrell, Thomas

Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Introne, Robert  
Katsakiores, George  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil  
Sloan, Stephen  
Welch, David

Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Itse, Daniel  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Ruffner, Walter  
Stone, Joseph  
Whittier, John

Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Saia, Pamela  
Stritch, C Donald  
Zolla, William

### STRAFFORD

Albert, Russell  
Reid, Christopher

Cossette, Larry  
Tsiros, William

Harrington, Michael  
Twombly, James

Musler, George  
Woods, Phyllis

### SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

### NAYS 150

### BELKNAP

Dewhirst, Glenn

Johnson, William

Salatiello, Thomas

Wood, Jane

### CARROLL

None

### CHESHIRE

Allen, Peter  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Batchelder, Robert  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
Meader, David  
Richardson, Barbara

Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

### COOS

Bradley, Paula

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cobb, John  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

### HILLSBOROUGH

Andosca, Mary  
Cardin, Lori  
Cote, Peter  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Jean, Claudette  
LaFlamme, Paul  
Leishman, Peter  
Melcher, Harold  
Panagopoulos, Nicholas  
Sweeney, Cynthia

Baroody, Benjamin  
Clayton, William  
Craig, James  
Dwyer, Paul  
Goley, Jeffrey  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
Movsesian, Lori  
Schulze, Joan  
White, John

Bellavance, Paul  
Clemons, Jane  
Daigle, Robert  
Eaton, Richard  
Gorman, Mary  
Kacavas, John  
Leach, Edward  
Martin, Mary Ellen  
Murphy, Robert  
Shaw, Barbara  
Williams, Carol

Buckley, Raymond  
Cote, David  
Dionne, David  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Palangas, Eric  
Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel

Brewster, Richard  
Davis, Frank

Clarke, Claire  
Fraser, Marilyn

Crosby, Toni  
French, Barbara

Gile, Mary  
Owen, Derek  
Rodd, Beth

Greco, Vincent  
Perkins, Randy  
Rush, Deanna

Jacobson, Alf  
Potter, Frances  
Seldin, Gloria

Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Blanchard, MaryAnn  
Downing, Michael  
Langley, Jane  
O'Keefe, Patricia  
Shultis, Elizabeth

Chalbeck, Kevin  
Hutchinson, Karen  
McGuire, Robert  
Pantelakos, Laura  
Splaine, James

Coes, Betsy  
Kane, Cecelia  
Micklon, Stephanie  
Pitts, Jacqueline  
Trueman, Raymond

Cooney, Richard  
Kobel, Rudolph  
Norelli, Terie  
Robertson, Carl  
Weatherspoon, Jacquelyne

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Grassie, Anne  
Kaen, Naida  
McCarthy, Gerald  
Smith, Marjorie  
Wall, Janet

Bickford, David  
Ferland, Paul  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Woodill, Rodney

Brennan, William  
Gilmore, Gary  
Hughes, Christopher  
Lachance, Douglas  
Proulx, Raymond  
Spang, Judith

DeChane, Marlene  
Goodwin, Earle  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Franklin, Peter  
Robb, Amy

Burling, Peter  
Harris, Joseph

Cloutier, John  
Harris, Sandra

Ferland, Brenda  
Phinizy, James

and the veto was sustained, lacking the necessary two-thirds.

Reps. Jeb E. Bradley, Martha Fuller Clark and Wendelboe declared conflicts of interest and did not participate.

## GOVERNOR'S VETO MESSAGE ON HB 723

July 13, 2001

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 723, an Act relative to vacancies in county offices.

Under current law, RSA 661:9, when there is a vacancy in the office of county sheriff, county attorney, register of deeds, or county commissioner, the superior court fills the vacancy for the unexpired term.

H.B. 723 would take the responsibility for filling these county vacancies away from the superior court and turn it over it to the members of the county legislative delegation. In addition, H.B. 723 requires that "[t]he person elected to fill the vacancy shall be a member of the same party as the person vacating the office."

While I am unaware of any suggestion that the court system has not carried out its responsibilities under RSA 661:9 in any but a professional and competent way, there may be some merit in having vacancies in county offices addressed in a different manner.

Unfortunately, H.B. 723 makes partisan party affiliation the one legally required criteria of eligibility for filling a vacant county office. Requiring that the replacement be a member of the same political party as the person vacating the office is insulting to the voters of New Hampshire. In New Hampshire, our citizens have a long and proud tradition of first considering the candidate, rather than the party, when it comes to voting. To honor the New Hampshire way of doing things, qualifications and merit, not party affiliation, should be the foundation for the selection of any replacement for an elected official. However, H.B. 723 instead makes party affiliation the determining characteristic.

In addition, I question whether having legislators choose the person filling a vacancy in a county office is the best policy. I am unaware of any other vacancy in elective office being so filled under New Hampshire law.

For these reasons, I am vetoing H.B. 723.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 723**, relative to vacancies in county offices, become law?

As required by the State Constitution, a roll call was taken.

## YEAS 225 NAYS 148

### YEAS 225

#### BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Johnson, William	Lawton, David
Millham, Alida	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Torresen, Gary		

#### CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Roberts, William	Royce, H Charles
Smith, Edwin			

#### COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

#### GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Ward, Brien	Williams, Burton	

#### HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Bouldin, Michael	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Drisko, Richard
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Furman, Christine	Gargas, Carolyn
Gleneck, David	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Leach, Edward
Leishman, Peter	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Seibel, Christopher
Souza, Kathleen	Spieß, Paul	Tate, Joan	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald

#### MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Feuerstein, Martin	Hager, Elizabeth	Hutchinson, John	Jacobson, Alf



Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

Langer, Ray  
Maxfield, Roy  
Winter, Steven

Leber, William  
Soltani, Tony

## ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Chalbeck, Kevin  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie  
Sloan, Stephen  
Welch, David

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Rausch, James  
Stone, Joseph  
Whittier, John

Bishop, Franklin  
Carson, Sharon  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Quandt, Marshall  
Saia, Pamela  
Stritch, C Donald  
Zolla, William

Bowles, Raimond  
Case, Margaret  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Hamel, Albert  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew  
Sapareto, Frank  
Varrell, Thomas

## STRAFFORD

Albert, Russell  
McCarthy, Gerald  
Woods, Phyllis

Cossette, Larry  
Musler, George

Harrington, Michael  
Tsiros, William

Lachance, Douglas  
Twombly, James

## SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

## NAYS 148

## BELKNAP

Salatiello, Thomas

Wood, Jane

## CARROLL

None

## CHESHIRE

Allen, Peter  
Espiefs, Peter  
Mitchell, McKim  
Slack, Pamela Russell

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Weed, Charles

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Edwards, Dana  
Meador, David  
Richardson, Barbara

## COOS

Bradley, Paula

Landers, Dana

Rodrigue, Robert

## GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cobb, John  
Nordgren, Sharon  
Solow, Martha

Cooney, Mary  
Pawlek, Marion

## HILLSBOROUGH

Andosca, Mary  
Buckley, Raymond  
Cote, David  
Dionne, David

Balcom, John  
Cardin, Lori  
Cote, Peter  
Dionne, Kimberley

Baroody, Benjamin  
Clayton, William  
Craig, James  
Drabinowicz, A Theresa

Bellavance, Paul  
Clemons, Jane  
Daigle, Robert  
Dwyer, Paul

Eaton, Richard	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Holden, Randolph	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Lasky, Bette
Lefebvre, Roland	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara
Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Downing, Michael
Kane, Cecelia	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Reardon, Neil
Robertson, Carl	Ruffner, Walter	Shultis, Elizabeth	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Pelletier, Arthur
Proulx, Raymond	Reid, Christopher	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James
Robb, Amy			

and the veto was sustained, lacking the necessary two-thirds.

**GOVERNOR'S VETO MESSAGE ON HB 738**

July 12, 2001

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 738, an Act establishing a commission to assess the operating efficiency of state government.

While its goals are laudable, I am vetoing H.B. 738 because it is flawed in its crafting and violates the separation of powers provisions of our State constitution.

H.B. 738 gives unfettered power over the Executive Branch of State government to a commission chosen solely by the Speaker of the House and Senate President. Paragraph III of H.B. 738 reads as follows:

The commission shall have full power and authority to require from the several state departments, agencies and officials of the state such information and assistance as it may deem necessary.

That means, if this legislation became law, the commission members could demand access, for example, to confidential draft bidding information, tax records and personnel files. While giving commission members unlimited access to confidential information, H.B. 738 fails to provide any protections for confidential records and fails to prohibit the use of internal information to gain an unfair business advantage. It is unimaginable that the Legislature truly intended this result, but that is exactly what H.B. 738, as drafted, allows.

In addition, giving the commission members, chosen solely by two members of the Legislative Branch, "full power and authority" to require the Executive branch to provide whatever assistance the commission members request violates part II, article 41 and part I, article 37 of the New Hampshire Constitution. While members of the Legislature, if they so chose, could authorize the Speaker of the House and Senate President to appoint a commission with the unfettered power to require legislators and legislative employees to provide whatever assistance that commission requests, the Legislature cannot require the same of the Executive Branch under the New Hampshire Constitution.

Objections to Paragraph III of H.B. 738 were raised on the floor of the State Senate, causing the bill to be recommitted briefly. Unfortunately, when the legislation returned to the floor, this language remained in H.B. 738.

Moreover, it is simply unreasonable to expect that a 10-person volunteer commission will be able to perform a full operation audit of 350 agencies, boards and commissions in the time allotted by this legislation.

Improving the efficiency of State government has been a continuous and daily goal of my administration.

My administration has instituted a number of initiatives to improve the efficiency of state government. The Tri-State Prescription Drug Program, a product of the summit I called with Vermont Governor Howard Dean and Maine Governor Angus King, is projected to save New Hampshire taxpayers \$11 million in its first year and \$35 million over the next four years. Our Building Energy Conservation Initiative is retrofitting State buildings to increase their energy efficiency at no cost to taxpayers; these upgrades will be financed by the energy savings, and, when the BECI project is complete, we will save an additional \$4 to \$6 million *annually*. As a result of an Executive Order I issued in October 1998, the State already has saved over \$2 million in workers compensation costs. These are just some of the steps my administration has taken to improve efficiencies and save taxpayers money.

In addition, every two years in developing the State biennial budget every agency spends months reviewing their operations to determine how to best meet the needs of the people of New Hampshire at the lowest possible cost. The Governor's office then spends months scrutinizing and questioning agencies' budget requests before submitting a proposed two-year budget to the Legislature for its consideration. The Legislature then spends almost six months making state agencies justify their budget requests before the Legislature votes on the next two-year budget.

Nor should the Legislature ignore the fact that its Office of the Legislative Budget Assistant regularly audits Executive Branch departments and agencies and makes recommendations for improved performance and efficiencies.

For all of the foregoing reasons, I have vetoed H.B. 738.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 738**, establishing a commission to assess the operating efficiency of state government, become law?

Reps. Norelli and Splaine spoke against.

Reps. Moran and Peterson spoke in favor.

As required by the State Constitution, a roll call was taken.

**YEAS 226 NAYS 147**

**YEAS 226**

**BELKNAP**

Bartlett, Gordon  
Flanders, Donald  
Nedeau, Stephen  
Thomas, John

Boyce, Laurie  
Holbrook, Robert  
Rice, Thomas Jr  
Wendelboe, Fran

Czech, Stanley  
Lawton, David  
Rosen, Ralph

Dewhirst, Glenn  
Millham, Alida  
Russell, David

**CARROLL**

Babson, David Jr  
Mock, Henry  
Stevens, Stanley

Bradley, Jeb  
Patten, Betsey  
Torresen, Gary

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph  
Quimby, Lee

**CHESHIRE**

Avery, Stephen  
Fairbanks, Chandler  
Roberts, William

Dexter, Judson  
Hunt, John  
Royce, H Charles

Edwards, Dana  
Liebl, George  
Smith, Edwin

Emerson, Susan  
Manning, Joseph

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Rozek, Michael

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Giuda, Robert  
Sova, Charles

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Barker, Robert  
Gabler, William  
Mirski, Paul  
Williams, Burton

Cobb, John  
Gilman, G Michael  
Scanlan, David

**HILLSBOROUGH**

Allan, Nelson  
Balboni, Michael  
Bergin, Peter  
Brundige, Robert  
Coughlin, Pamela  
Elliott, Larry  
Flora, Kathleen  
Golding, William  
Greenberg, Gary  
Holden, Randolph  
L'Heureux, Robert  
Lessard, Rudy  
Mercer, Robert  
Pepino, Leo  
Salts, Greg  
Tahir, Saghir  
Vaillancourt, Steve

Alukonis, David  
Balcom, John  
Bouchard, David  
Bruno, Pierre  
Desrosiers, William  
Emerton, Lawrence Sr  
Furman, Christine  
Gonzalez, Carlos  
Guinta, Frank  
Hopper, Gary  
LaFlamme, Paul  
Martel, Andre  
Milligan, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Tate, Joan  
Wheeler, Robert

Arnold, Thomas Jr  
Batula, Peter  
Bouldin, Michael  
Christiansen, Lars  
Dionne, Kimberley  
Fields, Dennis  
Gargas, Carolyn  
Goulet, Maurice  
Hall, Charles  
Jean, Loren  
LaRose, Richard  
McHugh, Claire  
Moran, Edward  
Reeves, Sandra  
Seibel, Christopher  
Thompson, Rob  
White, Donald

Artz, Lawrence  
Bergeron, Jean-Guy  
Bragdon, Peter  
Clegg, Robert Jr  
Drisko, Richard  
Fletcher, Richard  
Gleneck, David  
Graham, John  
Herman, Keith  
Kurk, Neal  
Leach, Edward  
McRae, Karen  
Pappas, Marc  
Rowe, Robert  
Souza, Kathleen  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Dunne, Christopher  
Hess, David  
L'Heureux, Stephen  
MacKay, James  
Whalley, Michael

Brewster, Richard  
Feuerstein, Martin  
Hutchinson, John  
Langer, Ray  
Maxfield, Roy  
Winter, Steven

Colcord, J D  
Fraser, Leo Jr  
Jacobson, Alf  
Leber, William  
Soltani, Tony

Cummings, Raymond  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Swindlehurst, John

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Chalbeck, Kevin  
Dalrymple, Janeen  
Dumaine, Dudley  
Francoeur, Sheila  
Gleason, John  
Holland, James Jr  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
Morse, Charles  
Power, Lucille  
Quandt, Matthew

Belanger, Ronald  
Camm, Kevin  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Bob  
Gilbert, Jeffrey  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Rogers  
Kelley, William  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Rabideau, Marie

Bishop, Franklin  
Carson, Sharon  
Corbin, Corey  
DiFruscia, Anthony  
Flanagan, Natalie  
Gilbert, Karl  
Henderson, Warren  
Introne, Robert  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed II  
Rausch, James

Bowles, Raimond  
Case, Margaret  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Giordano, Ronald  
Hill, Jonathan  
Itse, Daniel  
Katsakiores, Phyllis  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Quandt, Marshall  
Reardon, Neil



Robertson, Carl  
Sloan, Stephen  
Welch, David

Ruffner, Walter  
Stone, Joseph  
Whittier, John

Saia, Pamela  
Stritch, C Donald  
Zolla, William

Sapareto, Frank  
Varrell, Thomas

## STRAFFORD

Albert, Russell  
Reid, Christopher

Bickford, David  
Tsiros, William

Cossette, Larry  
Twombly, James

Harrington, Michael  
Woods, Phyllis

## SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

## NAYS 147

## BELKNAP

Johnson, William

Salatiello, Thomas

Wood, Jane

## CARROLL

None

## CHESHIRE

Allen, Peter  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Slack, Pamela Russell

Espieffs, Peter  
Pratt, Irene  
Weed, Charles

## COOS

Bradley, Paula

Landers, Dana

Rodrigue, Robert

Stohl, Eric

## GRAFTON

Almy, Susan  
Lovett, Sid  
Scovner, Nancy

Benn, Bernard  
Naro, Debra  
Sokol, Hilda

Cooney, Mary  
Nordgren, Sharon  
Solow, Martha

Ham, Bonnie  
Pawlek, Marion

## HILLSBOROUGH

Andosca, Mary  
Cardin, Lori  
Cote, David  
Dionne, David  
Eaton, Richard  
Gorman, Mary  
Kacavas, John  
Leishman, Peter  
Melcher, Harold  
Palangas, Eric  
Spiess, Paul  
Williams, Carol

Baroody, Benjamin  
Carlson, Donald  
Cote, Peter  
Drabinowicz, A Theresa  
Foster, Linda  
Hall, Betty  
Keye, Harvey  
Lynde, Harold  
Messier, Irene  
Panagopoulos, Nicholas  
Sullivan, Peter

Bellavance, Paul  
Clayton, William  
Craig, James  
Dwyer, Paul  
Ginsburg, Ruth  
Jean, Claudette  
Lasky, Bette  
Martin, Mary Ellen  
Movsesian, Lori  
Schulze, Joan  
Sweeney, Cynthia

Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Dyer, Merton  
Goley, Jeffrey  
Johnson, Lionel  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Murphy, Robert  
Shaw, Barbara  
White, John

## MERRIMACK

Bouchard, Candace  
Davis, Frank  
Greco, Vincent  
Potter, Frances  
Seldin, Gloria

Clarke, Claire  
Fraser, Marilyn  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Crosby, Toni  
French, Barbara  
Owen, Derek  
Rodd, Beth

Daneault, Gabriel  
Gile, Mary  
Perkins, Randy  
Rush, Deanna

## ROCKINGHAM

Blanchard, MaryAnn  
Downing, Michael  
McGuire, Robert  
Pantelakos, Laura  
Trueman, Raymond

Clark, Martha Fuller  
Hamel, Albert  
Micklon, Stephanie  
Pitts, Jacqueline  
Weatherspoon, Jacquelyne

Coes, Betsy  
Kane, Cecelia  
Norelli, Terie  
Shultis, Elizabeth

Cooney, Richard  
Kobel, Rudolph  
O'Keefe, Patricia  
Splaine, James

**STRAFFORD**

Berube, Roger	Brennan, William	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lachance, Douglas	Lent, Donald	McCarthy, Gerald
Musler, George	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James
Robb, Amy			

and the veto was sustained, lacking the necessary two-thirds.

**MOTION TO VACATE**

Rep. Patten moved that the House vacate the reference of **HB 1157**, providing for the local option to apply the current use laws, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred HB 1157 to the Committee on Environment and Agriculture.

**MOTION TO VACATE**

Rep. Royce moved that the House vacate the reference of **HB 1178-FN**, relative to the recreational taking of lobster by scuba diving, to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred HB 1178-FN to the Committee on Fish and Game.

**MOTION TO VACATE**

Rep. Hunt moved that the House vacate the reference of **HCR 21**, urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001, to the Committee on Commerce.

Adopted.

The Speaker referred HCR 21 to the Committee on State-Federal Relations and Veterans Affairs.

**RESOLUTION**

Reps Scanlan and Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1383 through 1399, and 1401 and 1402 and House Resolution numbered 20, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS and HR****First, second reading and referral**

**HB 1383**, relative to lucky 7. (Heon, Straf 14: Ways and Means)

**HB 1384**, making certain technical changes to the workers' compensation law. (Gilman, Graf 1: Labor, Industrial and Rehabilitative Services)

**HB 1385**, relative to trespassing on certain rail lines. (W. Kelley, Rock 12; Splaine, Rock 34: Criminal Justice and Public Safety)

**HB 1386-FN**, establishing a research and investigation unit for the house of representatives. (Henderson, Rock 20: Legislative Administration)

**HB 1387**, relative to toll exemptions for legislators. (Cossette, Straf 19: Legislative Administration)

**HB 1388**, relative to respiratory care. (P. Bradley, Coos 6; Horton, Coos 3; Sokol, Graf 10; Hollingworth, Dist 23: Executive Departments and Administration)

**HB 1389**, enabling towns to charge fees for the disproportionate use of municipal safety services. (Scovner, Graf 13; Akins, Graf 14: Municipal and County Government)

**HB 1390**, relative to quality assurance information. (Wendelboe, Belk 2: Judiciary)

**HB 1391**, relative to municipal budgets. (Wendelboe, Belk 2: Municipal and County Government)

**HB 1392**, relative to mediation before the board of manufactured housing. (Wendelboe, Belk 2: Commerce)

**HB 1393**, relative to the determination of just compensation in eminent domain proceedings. (Wendelboe, Belk 2: Judiciary)

**HB 1394**, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses. (Wendelboe, Belk 2; Clayton, Hills 39: Executive Departments and Administration)

**HB 1395**, relative to historic district commissions. (Cox, Rock 24; Langley, Rock 24: Municipal and County Government)

**HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment. (Whalley, Merr 5; P. Bradley, Coos 6: Environment and Agriculture)

**HB 1397**, relative to the annual salary of police commissioners of the town of Wolfeboro. (J. Bradley, Carr 8; Stevens, Carr 7; Johnson, Dist 3: Municipal and County Government)

**HB 1398**, relative to the vote required for issuance of bonds by the Sunapee water and sewer commission. (Leone, Sull 2; Jones, Sull 3; Disnard, Dist 8: Municipal and County Government)

**HB 1399-L**, relative to assessment of the land use change tax. (Goodwin, Straf. 12; Wheeler, Dist 21: Environment and Agriculture)

**HB 1401**, relative to the authority of highway agents. (Wendelboe, Belk 2; Souza, Hills 40: Municipal and County Government)

**HB 1402**, designating segments of the Isinglass River as protected under the rivers management and protection program. (Musler, Straf 6; DeChane, Straf 6; Wall, Straf 9: Resources, Recreation and Development)

**HR 20**, supporting the country of Tibet. (J. White, Hills 46; Messier, Hills 46; Greenberg, Hills 46; Snyder, Straf 14; Yeaton, Merr 10: State-Federal Relations and Veterans Affairs)

## DECLARATION

The Clerk read a declaration honoring Dean Kamen, New Hampshire inventor of "the Segway", a personal assistance mobility device.

## ELECTION OF HOUSE SERGEANT-AT-ARMS

The Speaker declared nominations were in order for Sergeant-at-Arms.

Rep. Stone nominated Thomas Burke for Sergeant-at-Arms.

Rep. Hager seconded the nomination.

Rep. Avery nominated Daniel Eaton for Sergeant-at-Arms.

Rep. Slack seconded the nomination.

Rep. Dickinson nominated Robert Edmonds for Sergeant-at-Arms.

Rep. Jane Kelley seconded the nomination.

Rep. Mock nominated Larry Elliott for Sergeant-at-Arms.

Rep. John Pratt seconded the nomination.

Rep. Thomas nominated Deborah Nielsen for Sergeant-at-Arms.

Rep. Richardson seconded the nomination.

There being no further nominations, the Speaker declared nominations closed.

On behalf of the candidates, the Speaker named Reps. Leone and John Flanders as tellers for Thomas Burke; Reps. Avery and Slack as tellers for Daniel Eaton; Reps. Karl Gilbert and Rush as tellers for Robert Edmonds; Reps. Kimberly Dionne and Herman as tellers for Larry Elliott; and Reps. Flanagan and L'Heureux as tellers for Deborah Nielsen to tally the vote.

## BALLOT RESULTS

With 359 votes being cast, 181 were needed for election. Thomas Burke received 58 votes. Daniel Eaton received 16 votes. Robert Edmonds received 40 votes. Larry Elliott received 62 votes. Deborah Nielsen received 183 votes.

The Speaker declared Deborah Nielsen the duly-elected Sergeant-at-Arms.

The Speaker administered the oath of office to Deborah Nielsen.

Deborah Nielsen, Sergeant-at-Arms addressed the House.

## SENATE MESSAGE

The Senate voted to sustain the Governor's veto on the following bill:

**SB 164-FN-A-L**, an act establishing a comprehensive statewide accountability system concerning an adequate education and relative to nonrenomination of teacher contracts.

### SENATE MESSAGE

The following bills have died on the table.

**HB 101**, requiring registered lobbyists to sign a statement concerning false statements or misrepresentation of material facts.

**HB 130**, relative to the maintenance of boundaries and fences.

**HB 153**, lowering the minimum medical cost coverage for motor vehicle liability policies.

**HB 196-L**, relative to the penalty for failure to license a dog or renew a dog license.

**HB 211-FN**, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws.

**HB 304-FN**, relative to insurance coverage for prostate cancer testing.

**HB 614**, relative to certain duties, responsibilities, and authority of the fiscal committee.

**HB 697**, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.

### SENATE MESSAGE

The Senate has adjourned Sine Die.

### ADJOURNMENT

Rep. Scanlan moved that the House adjourn from the first-year session of the 157<sup>th</sup> General Court, Sine Die.

Adopted.

The House adjourned, Sine Die, at 2:35 p.m.

Attested by

Karen O. Wadsworth

Clerk of the House

### (CLERK'S NOTE)

### OUTSTANDING BILLS

**At the time of adjournment on December 12, 2001, the following House bills remained on the table in the House.**

**HB 50-FN-A-L**, relative to sources of funding an adequate education.

**HB 185-FN-L**, repealing the prospective repeals of the education property tax and related laws.

**HB 358-FN**, relative to tolls on the Everett turnpike.

**HB 478**, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations.

**HB 562-FN-A-L**, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding.

**HB 747-FN-L**, relative to increases in the cost of an adequate education.

**HR 10**, affirming revenue estimates for fiscal years 2001, 2002, and 2003.

**At the time of adjournment on December 12, 2001, the following bills were retained by House Committees for House action in the second year of the biennium.**

**CACR 2**, relating to the nomination and appointment of judicial officers. providing that the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court.

**CACR 3**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed.

**CACR 4**, relating to the administrative head of the courts. Providing that article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed.

**CACR 7**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education.

**CACR 15**, relating to a balanced budget. Providing that the governor shall not propose, nor shall the general court approve, an operating budget in which expenditures exceed estimated revenue.



**CACR 16**, relating to procedure for nomination and review of judges. Providing that judges shall be nominated and selected by an independent commission and reviewed every 10 years thereafter.

**CACR 17**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education.

**CACR 20**, relating to a personal income tax. Providing that any personal income tax enacted by the general court shall be dedicated exclusively for the purposes of public education.

**CACR 21**, relating to compensation for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business.

**CACR 22**, relating to moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that all moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall, after deducting the necessary costs of administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to education and shall not be transferred or diverted to any other purpose.

**CACR 23**, relating to restricting the use of moneys collected from a sales tax. Providing that all moneys collected from any sales tax established in law by the general court shall, after deducting the necessary costs for administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to public elementary and secondary education and shall not be transferred or diverted to any other purpose.

**CACR 24**, relating to establishing a maximum rate for a sales tax. Providing that the rate of any sales tax established in law shall not exceed 2 ½ percent, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court.

**CACR 25**, relating to establishing a maximum rate for any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that the rate of any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall not exceed \$4.90 on each \$1,000 of the value of taxable property subject to the tax, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court.

**HB 137**, establishing a committee to study the definition of domicile for voting purposes.

**HB 169-FN**, repealing the certificate of need law.

**HB 179-FN**, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age.

**HB 209-FN**, relative to original and youth operators' licenses.

**HB 212-FN**, expanding income eligibility limits for education property tax hardship relief.

**HB 213-FN**, increasing the allowable amount of education property tax relief.

**HB 223**, allowing a state resident to obtain a license for a pistol or revolver for life.

**HB 225**, relative to applications for recounts.

**HB 235**, establishing a committee to study certain mental health systems to address the needs of mentally ill persons in New Hampshire.

**HB 251**, establishing that local zoning ordinances regulating location are applicable to community living facilities.

**HB 264**, relative to the state treasurer and relative to certain unclaimed or abandoned property.

**HB 266**, establishing a committee to study recodification of the election laws.

**HB 280-FN**, transferring the responsibility and authority of the judicial conduct committee and the attorney's professional conduct committee to the legislature.

**HB 281-FN**, establishing an independent administrative office of the courts.

**HB 282-FN-L**, enabling political subdivision employers to establish minimum hours of service for optional membership in the retirement system by political subdivision employees.

**HB 284-FN**, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants.

**HB 285-FN-L**, relative to the adoption of a state building code.

**HB 294-FN**, excluding certain pension income from household income for purposes of determining education property tax hardship relief.

**HB 298-FN-L**, relative to charter schools.

**HB 301-FN**, requiring that the department of corrections be charged the lowest rate for inmates who need medical services within the community.

**HB 313-FN**, limiting access to certain business records.

**HB 314-FN**, relative to administrative rules governing privacy.

**HB 316-FN**, establishing the position of state energy manager.

**HB 329-FN-L**, relative to school safety.

**HB 334-FN-A**, adopting a single sales factor method of apportionment under the business profits tax.

**HB 336-FN-A**, making capital appropriations to the university system of New Hampshire.

**HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system.

**HB 342-FN**, relative to the enforcement of applicable law and rules concerning contractors for appraisals of taxable property.

**HB 353-FN-A**, relative to diversified agricultural development, and making an appropriation therefor.

**HB 365-L**, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes.

**HB 378**, requiring organizations engaged in the conduct of charitable gambling to reserve at least 80 percent of the revenue for use within New Hampshire.

**HB 379**, apportioning the executive council districts.

**HB 380**, apportioning county commissioner districts.

**HB 384**, relative to political expenditures.

**HB 392**, establishing a committee to study the property tax status for land of agricultural fairs.

**HB 404**, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors.

**HB 409**, relative to qualification for admission to the New Hampshire bar.

**HB 414**, relative to the adoption of instream flow rules.

**HB 419**, apportioning delegates to state party conventions.

**HB 420**, apportioning state representative districts.

**HB 423**, relative to the sale of generation assets, the provision of transition service, and the funding of the energy efficiency program for Public Service Company of New Hampshire.

**HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

**HB 427**, establishing a commission to study the taxation of trusts and the control of beneficiaries over trust management.

**HB 432**, relative to the limit on appropriations to the capital reserve fund of a county.

**HB 436**, eliminating nomination of a party by nomination papers.

**HB 439-FN-A**, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Rockingham and Strafford county area.

**HB 447**, relative to the establishment of parenting plans in certain domestic cases.

**HB 449**, relative to access to adoption records.

**HB 462-FN**, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

**HB 465**, relative to the admission to practice law and to bar association membership for attorneys.

**HB 470**, relative to caller identification requirements for persons engaged in telephone solicitation.

**HB 472**, requiring that land transferred to the White Mountain National Forest and the Silvio O. Conte National Fish and Wildlife Refuge include a covenant granting access to the citizens of New Hampshire.

**HB 476**, relative to the definition of a campsite.

**HB 483**, repealing the Uniform Aircraft Financial Responsibility Act.

**HB 494**, establishing a committee to study the permitting and hearing processes for proposed highways.

**HB 506**, prohibiting the granting of certain variances from zoning ordinances.

**HB 507**, opening hearings in abuse and neglect cases to members of the general court and to certain other persons.

**HB 514**, relative to uniform prescription drug information cards.

**HB 515-FN-L**, establishing parental choice scholarships.

**HB 519**, relative to the ballot law commission.

**HB 524**, relative to unfair insurance trade practices.

**HB 541-FN**, requiring certain hospitals to provide charity care and continually appropriating a special fund.

**HB 544-FN**, relative to reporting by candidates of independent expenditures.

**HB 549-FN-L**, relative to procedures of the department of revenue administration concerning the reassessment of property.

**HB 556-FN-A**, making certain appropriations to the department of cultural resources and the department of safety.

**HB 557-FN-A**, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video game players, and video movie players.

**HB 558-FN-A-L**, increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment.

**HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders.

**HB 560-FN-A**, establishing a contributory judicial retirement plan.

**HB 565-FN**, relative to liability for providing alcoholic beverages to minors.

**HB 566**, establishing terms for the offices of administrative judges of the courts.

**HB 567-FN-L**, granting female inmates access to certain rehabilitation related programs.

**HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

**HB 582**, establishing a judicial nominating commission.

**HB 586**, excluding stepchildren from the definition of "child" in the context of support orders.

**HB 589**, relative to eligibility for unemployment benefits for part-time workers.

**HB 592-FN-A**, relative to a milfoil and other exotic plants prevention and research grant program and fund.

**HB 599-FN**, relative to unlawful possession of alcohol by a minor.

**HB 601-FN-A-L**, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state.

**HB 607-FN-L**, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school.

**HB 608-FN**, establishing a judicial ethics advisory committee.

**HB 617**, relative to zoning for hobby vehicles.

**HB 619**, relative to the sale or lease of goods or services to residents of this state via the Internet.

**HB 627-FN**, establishing a market-based water pollutant trading program.

**HB 629-FN-A**, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor.

**HB 634**, relative to public/private partnership projects in the department of transportation.

**HB 644-FN-A-L**, requiring the sweepstakes commission to hold a sealed bid auction for permits to operate slot machines and providing municipalities the option of allowing the operation of slot machines.

**HB 650-FN**, relative to master plans.

**HB 654-FN-L**, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities.

**HB 655-FN-A-L**, establishing an advance disposal fee to fund local mercury presorting and recycling programs.

**HB 656-FN-L**, relative to the formula for distributing school building aid grants.

**HB 660**, relative to out-of-home placements in juvenile abuse and neglect cases.

**HB 661**, relative to hearing timelines in abuse and neglect cases.

**HB 668**, prohibiting the use of genetic testing for certain insurance purposes.

**HB 672**, relative to coverage for mental and nervous conditions.

**HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency.

**HB 675**, relative to mercury source reduction.

**HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities.

**HB 686**, relative to the scope of discovery in abuse and neglect cases.

**HB 689**, establishing a committee to study the effectiveness and fairness of county government.



**HB 691-FN-A**, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor.

**HB 695**, relative to net energy metering.

**HB 701**, relative to municipal regulation of renewable energy systems.

**HB 706**, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings.

**HB 710-FN**, relative to liquor licenses and fees.

**HB 713-FN**, addressing public health issues relative to indoor smoking.

**HB 718-FN**, establishing minimum renewable standards for energy portfolios.

**HB 728-FN-A-L**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor.

**HB 729**, permitting a person charged with a felony or misdemeanor to access the medical and psychiatric records of the alleged victim.

**HB 730**, establishing a committee to study the transfer of the Goffstown district court to a new location.

**HB 744-FN-A**, establishing a family and disability leave program.

**HB 750-L**, relative to the development and adoption of the school administrative unit budget.

**HB 755**, relative to groundwater contamination and gasoline sampling.

**HB 756**, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone.

**HB 757**, establishing an early literacy and reading improvement initiative.

**HB 762-FN-A**, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund.

**HB 765-FN-A**, establishing an historic homeownership mortgage credit program.

**HB 768-FN**, relative to DNA testing of criminal offenders.

**HCR 14**, declaring the New Hampshire supreme court's Claremont decisions to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

**SB 16-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor.

**SB 22**, requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program.

**SB 26**, relative to probate court procedures regarding adoptions.

**SB 28**, permitting disclosure of final decisions of the commissioner of revenue administration.

**SB 30**, relative to DNA testing of criminal offenders.

**SB 31**, eliminating straight ticket voting.

**SB 36-FN-A**, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants.

**SB 39**, establishing the position of market conduct chief administrator in the insurance department.

**SB 56**, relative to health care providers discontinuing service in New Hampshire.

**SB 64**, establishing a fund to pay mediators in the probate courts.

**SB 66-FN-A**, relative to appropriations to the port authority for dredging projects.

**SB 67-FN**, relative to costs of locating and apprehending persons improperly at large for driving-related offenses.

**SB 72-FN**, relative to payment of medical benefits costs for group II members of the retirement system.

**SB 77**, relative to the regulation of plumbers and plumbing.

**SB 81-FN-A**, regulating medication nursing assistants under the nurse practice act.

**SB 88-FN-A**, establishing a travel and tourism development fund in the department of resources and economic development and making an appropriation therefor.

**SB 101-FN**, relative to mooring permits and fees.

**SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire.

**SB 110-FN-A**, extending the kindergarten construction program.

**SB 115-FN**, granting a cost of living adjustment to certain retired group II firefighters.

**SB 120**, relative to tip pooling for certain hourly employees.

**SB 124**, relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county.



**SB 125-FN**, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation.

**SB 126**, relative to the use of certain credit data in underwriting certain insurance policies.

**SB 128**, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury.

**SB 133-FN-A**, relative to Skyhaven airport and making an appropriation therefor.

**SB 135-FN-L**, relative to kindergarten funding.

**SB 141**, relative to proof of qualifications for voter registration.

**SB 142-FN**, relative to the collection of debts owed to the state.

**SB 155-L**, limiting the liability of teachers and other educational employees.

**SB 158-FN**, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children.

**SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system.

**SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor.

**SB 182-FN-A**, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund.

**SB 183-FN-A-L**, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing.

**SB 188-FN-L**, relative to abatements and appeals of betterment assessments.

**SB 189-FN-A**, establishing a gasoline remediation and elimination of ethers fund.

**SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members.

**SB 199**, relative to the voting procedures for authorizing certain capital projects in interstate school districts.

**SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program.

**At the time of adjournment on December 12, 2001, the following House bills remained in Senate Committees.**

**HB 134**, permitting challenges to judges.

**HB 141-L**, relative to regulation of junk yards.

**HB 146**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather.

**HB 154**, relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket.

**HB 157**, clarifying the immunity from liability of persons providing emergency care.

**HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults.

**HB 193**, establishing a committee to study state payments for court-ordered placements of special education pupils.

**HB 206-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

**HB 226**, relative to instructions to voters for straight-ticket voting.

**HB 237**, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system.

**HB 252**, relative to rules promulgated by the supreme court.

**HB 270-FN**, increasing the mileage reimbursement rate for members of the legislature.

**HB 289-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child.

**HB 295-FN**, relative to medicaid recoveries from third party settlements.

**HB 317-FN**, revising the New Hampshire Aeronautics Act.

**HB 325-FN**, relative to certain acts of sexual assault.

**HB 393-FN**, relative to plant nurseries and nursery stock.

**HB 448**, relative to procedures for crews and provision of counseling services following a railway accident.

**HB 463-FN**, relative to protective services to adults.

**HB 466**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

**HB 485**, relative to physicians employed by hospitals.

**HB 495**, relative to judicially appointed officials.

**HB 512**, relative to off-site improvements imposed on applicants to a planning board

**HB 553-FN-L**, requiring background checks for nursing home employees.

**HB 622**, relative to the time period for the executive council to confirm nominees to the supreme court.

**HB 669**, requiring certain safety devices on freight locomotives.

**HB 679**, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12.

**HB 690**, relative to disclosure of nonpublic personal health information.

**HB 748-FN-A-L**, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.

**CACR 5**, relating to the rulemaking authority of the supreme court. Providing that supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

**At the time of adjournment on December 12, 2001, the following House bills, passed by the House were awaiting introduction in the Senate.**

**HB 162-FN-L**, ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts.

**HB 207-FN-L**, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity.

**HB 253-FN**, relative to mercury reductions.

**HB 386**, relative to the relocation of the principal residence of a child.

**HB 498**, relative to standards for records filed with a registry of deeds.

**HB 517-L**, relative to supply of water by village districts.

**HB 522-L**, establishing discretionary preservation easements for preserving historic agricultural structures.

**HB 523**, relative to filing fees and legislative approval of certain settlements by the attorney generals.

**HB 550-FN**, relative to destruction of information.

**HB 555-FN-L**, relative to the billing of counties for certain expenses by the department of health and human service and relative to costs of certain juvenile placements.

**HB 587-FN-A**, establishing a commission on the status of men.

**HB 631-L**, relative to access to public school programs by nonpublic or home educated pupils.

**HB 658-FN-A**, relative to the homeless prevention fund.

**HB 678**, relative to notice of release of an inmate from state prison.

**HB 712-FN**, relative to the coordination of state, regional, and local planning efforts.

**HB 722**, relative to town, village district, and school district elections.

**COMMITTEES CREATED BY 2001 CHAPTERS****EXTENDED REPORTING DATES FOR CHAPTER STUDY COMMITTEES**

**COMMISSION ON THE STATUS OF COMMUNITY-TECHNICAL EDUCATION** (SB 503, Chapter 272:38, Laws of 1998). Reporting date extended by SB 15, Chapter 43, Laws of 2001.

**COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT** (HB 1390, Chapter 114:2, Laws of 2000). Reporting date extended by HB 242, Chapter 23, Laws of 2001.

**DRIVING UNDER THE INFLUENCE OF INTOXICATION LIQUOR OR CONTROLLED DRUGS** (HB 84, Chapter 334, Laws of 1999). Reporting date extended by HB 242, Chapter 23, Laws of 2001.

**IDENTIFYING OR ESTABLISHING THE DUTIES OF THE FISH AND GAME COMMISSION** (SB 160, Chapter 78:2, Laws of 1999). Reporting date extended by SB 11, Chapter 41, Laws of 2001.

**LAND USE MANAGEMENT AND FARMLAND PRESERVATION** (HB 288, Chapter 23:3, Laws of 1999). Reporting date extended by HB 242, Chapter 23, Laws of 2001.

**PRESCRIPTION DRUG ACCESS STUDY** (SB 367, Chapter 208:3, Laws of 2000). Reporting date extended by SB 37, Chapter 51, Laws of 2001.

**PRIORITY AND FUNDING OF PROJECTS INCLUDED IN THE TEN YEAR TRANSPORTATION PLAN** (HB 2000, Chapter 309, Laws of 2000). Reporting date extended by HB 242, Chapter 23:1, Laws of 2001.

**REDUCING VIOLENT INCIDENTS INVOLVING CHILDREN AND GUNS STUDY**, (SB 163, Chapter 322:2, Laws of 1999). Reporting date extended by HB 197, Chapter 168, Laws of 2001.

**WATER WITHDRAWALS ON INSTREAM FLOWS** (SB 330, Chapter 242:2, Laws of 2000). Reporting date extended by HB 612, Chapter 138, Laws of 2001.

**WOMEN'S HEALTH CARE** (HB 214, Chapter 42, Laws of 1999). Reporting date extended by HB 242, Chapter 23:5, 2001.

**STUDY COMMITTEE REPEALED AND REENACTED**

**CONSUMER PROTECTION IN NEW HAMPSHIRE** (HB 109, Chapter 12:1, Laws of 2001). Duties repealed and reenacted by HB 702, Chapter 256, Laws of 2001.

**STATUTORY COMMITTEES AMENDED**

**ADMINISTRATIVE RULES** (RSA 541-A:2). Amended by HB 371, Chapter 110, Laws of 2001.

**COMMISSION ON JUVENILE JUSTICE** (RSA 169-H:1). Amended by HB 743, Chapter 286, Laws of 2001.

**DEVELOPMENTAL DISABILITY WAITLIST FUND ALLOCATION OVERSIGHT COMMITTEE** (RSA 171-A:1-b). Amended by HB 233, Chapter 10, Laws of 2001.

**ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE** (RSA 374-F:5). Membership and duties amended by SB 45, Chapter 86, Laws of 2001.

**ETHICS COMMITTEE** (RSA 14-B:2). Membership and duties amended by HB 202, Chapter 215, Laws of 2001 and also amended by HB 131, Chapter 231, Laws of 2001.

**GAS UTILITY RESTRUCTURING OVERSIGHT COMMITTEE** (RSA 374:60). Duties amended by HB 166, Chapter 69, Laws of 2001.

**GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT** (RSA 12-J). Membership amended by HB 743, Chapter 286, Laws of 2001.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE** (RSA 126-A:13). Duties amended by HB 433, Chapter 39, Laws of 2001.

**INTERNATIONAL TRADE ADVISORY** (RSA 12-A:30). Membership amended by SB 121, Chapter 151, Laws of 2001 and by HB 543, Chapter 290, Laws of 2001.

**JUVENILE JUSTICE ADVISORY BOARD** (RSA 621-A:9). Membership amended by HB 120, Chapter 30:2, Laws of 2001. Name changed and member added by HB 743, Chapter 286:17, Laws of 2001.

**LONG-TERM CARE BOARD** (RSA 126-L). Duties and membership amended by HB 702, Chapter 256, Laws of 2001.

**NUCLEAR DECOMMISSIONING ELECTRIC GENERATING FACILITIES COMMITTEE**, (RSA 162-F:15). Duties amended by HB 740, Chapter 193:5, Laws of 2001.

**OIL FUND DISBURSEMENT** (RSA 146-D:4). Amended by HB 758, Chapter 293, Laws of 2001.

**PEASE DEVELOPMENT AUTHORITY BOARD OF DIRECTORS** (RSA 12-G:4). Repealed and reenacted by HB 543, Chapter 290, Laws of 2001.

**PUBLIC HIGHER EDUCATION STUDY COMMITTEE** (RSA 187-A:25-a). Duties amended by HB 412, Chapter 221, Laws of 2001.

**TELECOMMUNICATIONS OVERSIGHT COMMITTEE** (RSA 374:22-h). Duties amended by HB 374, Chapter 218, Laws of 2001.

## **CHAPTER STUDIES**

**HB 109 (Chapter 12:2, Laws of 2001 members named; HB 702, Chapter 256, Laws of 2001 duties amended) – CONSUMER PROTECTION IN NEW HAMPSHIRE**

Reps. Gene B. Marshall, Harvey Keye and Marshall E. Quandt, appointed by the Speaker of the House.

Sens. Robert B. Flanders, Russell E. Prescott and Lou D'Allesandro, appointed by the President of the Senate.

**HB 112 (Chapter 104:2, Laws of 2001) – HOSPITAL BUSINESS PRACTICES AND MANAGED CARE ORGANIZATIONS' NETWORKS**

Reps. Sheila T. Francoeur (Commerce), Marshall E. Quandt (Commerce), Robert C. Batchelder, James P. Pilliod (Health) and Hilda W. Sokol, appointed by the Speaker of the House.

Sens. Katherine W. Wheeler, Robert K. Boyce, Russell E. Prescott, Caroline McCarley and Jane E. O'Hearn, appointed by the President of Senate.

**HB 117 (Chapter 6:1, Laws of 2001) – UNIFORM COMMON INTEREST OWNERSHIP ACT**

Reps. Leo W. Fraser, Larry G. Elliott and James W. Craig, appointed by the Speaker of the House.

Sens. Sheila Roberge, Debora B. Pignatelli and Russell E. Prescott, appointed by the President of the Senate.

**HB 121 (Chapter 20:2, Laws of 2001) – COST OF OBTAINING JUSTICE FOR LOW-INCOME CITIZENS**

Reps. Phyllis L. Woods, Larry G. Elliott and Peter E. Franklin, appointed by the Speaker of the House.

Sens. Sheila Roberge, Sylvia B. Larsen and Edward M. Gordon, appointed by the Senate President.

**HB 124 (Chapter 21:2, Laws of 2001) – ON-LINE AND ELECTRONIC VOTING**

Reps. Robert E. Clegg, Peter E. Bragdon and Raymond Buckley, appointed by the Speaker of the House.

Sens. Carl R. Johnson, Robert K. Boyce and Daniel P. O'Neil, appointed by the Senate President.

**HB 135 (Chapter 159:2, Laws of 2001) – COMMISSION ON APPELLATE SYSTEM REFORM**

Reps. Robert H. Rowe, Phyllis L. Woods and Janet G. Wall, appointed by the Speaker of the House.

Sens. Edward M. Gordon, Debora B. Pignatelli and Sheila Roberge, appointed by the Senate President.



Hon. John T. Broderick, Jr., appointed by the Chief Justice of the Supreme Court.  
 Associate Justice William J. Groff, Hillsborough County Superior Court, appointed by the Chief Justice of the Superior Court.  
 Peter G. Beeson, Esq., appointed by the President of the New Hampshire Bar Association.  
 Ann M. Rice, designee of the Attorney General.  
 M.E. Goulder, Hollis and Bob Thomason, Canterbury, appointed by the Governor.  
 David Ruthstein, designee of the New Hampshire Appellate Defender.

#### **HB 142 (Chapter 31:2, Laws of 2001) – ENCRYPTION OF CONFIDENTIAL INFORMATION**

Reps. Lawrence A. Emerton, James R. MacKay (Health) and Martha Fuller Clark (Commerce), appointed by the Speaker of the House.  
 Sens. Robert B. Flanders, Lou D'Allesandro and Daniel P. O'Neil, appointed by the Senate President.

#### **HB 143 (Chapter 32:2, Laws of 2001) – HEALTH CARE PERSONNEL AND SUPPORT STAFF SHORTAGE**

Reps. Lawrence A. Emerton, Martin Feuerstein (Health) and Stephanie K. Micklon, appointed by the Speaker of the House.  
 Sens. Harold W. Burns, Robert B. Flanders and Caroline McCarley (Public Institutions), appointed by the Senate President.

#### **HB 144 (Chapter 7:1, Laws of 2001) – CHINS PROCESS UNDER RSA 169-D**

Reps. Edward P. Moran, L. Randy Lyman and Laura C. Pantelakos, appointed by the Speaker of the House.  
 Sens. Robert K. Boyce, Jane E. O'Hearn and Katherine W. Wheeler, appointed by the President of the Senate.

#### **HB 160 (Chapter 163:2, Laws of 2001) – ISSUE OF ONE-DAY/ONE-TRIAL JURORS**

Reps. Nancy M. Ford, Anthony R. DiFruscia and Peter F. Bergin, appointed by the Speaker of the House.  
 Sens. Sheila Roberge, Mark D. Fernald and Russell E. Prescott, appointed by the President of the Senate.

#### **HB 163 (Chapter 8:1, Laws of 2001) – STATE HOUSE OPEN TO THE PUBLIC AT WEEK-ENDS**

Reps. Michael D. Whalley, Lynn C. Horton and Harold V. Lynde, appointed by the Speaker of the House.  
 Sens. Robert K. Boyce, Robert B. Flanders and Daniel P. O'Neil, appointed by the President of the Senate.

#### **HB 170 (Chapter 158:39, Laws of 2001) – NEW BUDGET SYSTEM DEVELOPMENT**

Sens. Theodore L. Gatsas, John S. Barnes and Sylvia B. Larsen, appointed by the President of the Senate.  
 Reps. O. Alan Thulander, Henry P. Mock and Paul A. McGuirk, appointed by the Speaker of the House.

#### **HB 255 (Chapter 58:3, Laws of 2001) – PRACTICE OF "BODY WORKS"**

Reps. Peter L. Batula, Jancen Dalrymple and Howard C. Dickinson, appointed by the Speaker of the House.  
 Sens. Robert K. Boyce, Russell E. Prescott and Katherine W. Wheeler, appointed by the President of the Senate.

#### **HB 258 (Chapter 271:1, Laws of 2001) – TASK FORCE ON RE-ESTABLISHING THE LAWRENCE, MA TO MANCHESTER, NH AND THE CONCORD TO LEBANON RAIL SERVICE**

Reps. George N. Katsakiores and John W. Flanders, appointed by the Speaker of the House of Representatives.  
 Sens. Robert B. Flanders and Clifton C. Below, appointed by the Senate President.  
 Peter Dearnness, Concord (interests of railroads), Michael Donovan, Hanover and Harry Blunt, Concord (interests of intercity bus service), appointed by the Governor.

James F. Marshall, designee of the Commissioner of the Department of Transportation.  
 One person appointed by the Concord Mayor and Council.  
 Daniel Nash, Lebanon, appointed by the Lebanon Manager and Council.  
 One person appointed by the Manchester Mayor and Aldermen.  
 Peter J. Griffin, Windham, Stephen Flanders (alternate), appointed by the New Hampshire Railroad Revitalization Association.  
 One person appointed by the Business and Industry Association of New Hampshire.  
 Kimon Koulet, Meredith, appointed by the Lakes Region Planning Commission.  
 Michael Tardiff, Executive Director, Central New Hampshire Regional Planning Commission.  
 One person appointed by the Rockingham Planning Commission.  
 Manindra N. Sharma, appointed by the Southern New Hampshire Planning Commission.  
 One person appointed by the Upper Valley Lake Sunapee Regional Planning Commission.  
 Robert Hall, Kensington, appointed by TRAIN RIDERS/Northeast.  
 Thomas Noel, designee of the Commissioner of the Department of Environmental Services.

**HB 260 (Chapter 273:2, Laws of 2001) – COMMISSION TO EXAMINE CHILD CARE RESOURCES FOR PARENTS WHO WORK OTHER THAN FIRST SHIFT**

Reps. David A. Bickford, Laura C. Pantelakos and Christopher J. Seibel, appointed by the Speaker of the House.

Sens. Katherine K. Wheeler, Russell E. Prescott and Caroline McCarley, appointed by the President of the Senate.

Bonnie Rill, Keene, provider of child care services, appointed by the Governor.

Chuck Hungler, Manchester, representing an industry operating on a multi-shift basis, appointed by the Governor.

Michael Green, Concord, representative of an industry that has experience with in-house children's services, appointed by the Governor.

Margaret Leitch-Copeland, DCYF, designee of the Commissioner of Health and Human Services.

Tom Twombly, West Swanzey (rural) and one parent who works hours other than first shift, one from an urban area and one from a rural area, appointed by the Governor.

**HB 326 (Chapter 177:2, Laws of 2001) – TASK FORCE ON DEAFNESS AND HEARING LOSS**

Rep. Francine Wendelboe (Health, Human Services and Elderly Affairs) appointed by the Speaker of the House.

Sen. Debora B. Pignatelli (Public Institutions), appointed by the President of the Senate.

Norman Lafond, Manchester, member from the Governor's Commission on Disabilities, appointed by the Governor.

Susan Lombard and Susan Langle (interim appointment), appointed by the Commissioner of the Department of Health and Human Services.

Paul O. Hatch, Jr., representative of the Department of Employment Security, appointed by the Commissioner.

Paul Leather and H. Dee Clanton, appointed by the Commissioner of the Department of Education.

Elizabeth L. Hodges, Esq., appointed by the Chief Justice of the New Hampshire Superior Court.

Terry Linehan, Manchester, President of the New Hampshire Association of the Deaf. Sharon Caserta (alternate), Hudson.

One representative of the New Hampshire Association of the Deaf, appointed by the President of the New Hampshire Association of the Deaf, or designee.

The President of Self Help for the Hard of Hearing, or designee.

One representative from Self Help for the Hard of Hearing, appointed by the President of Self Help for the Hard of Hearing, or designee.

One representative of the New Hampshire Registry of Interpreters for the Deaf, appointed by the President of the New Hampshire Registry of Interpreters for the Deaf, or designee.

Suzan M. Lehmann, designee of the Attorney General, or designee.

John A. Stephen, designee of the Commissioner of the Department of Safety.

Bill McGonagle, designee of the Commissioner of the Department of Corrections.

The Executive Director of Granite State Independent Living, or designee.

The Executive Director of the Governor's Commission on Disability.

Susan Wolf-Downes, Executive Director, Northeast Deaf and Hard of Hearing Services, Inc.

Any other appropriate person designated by the task force.

**HB 361 (Chapter 217:2, Laws of 2001) – DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES**

Reps. Karl I. Gilbert, Maxwell D. Sargent, Beth Rodd, Kenneth L. Weyler, Stanley E. Stevens, John R. Cloutier and Marshall E. Quandt, appointed by the Speaker of the House.

**HB 397 (Chapter 27:2, Laws of 2001) – STATUS OF VETERANS IN NEW HAMPSHIRE**

Reps. Robert E. Clegg, Rudy Lessard and Richard F. Heon, appointed by the Speaker of the House.

Sens. John S. Barnes, Lou D'Allesandro and Carl R. Johnson, appointed by the Senate President.

**HB 405 (Chapter 240:1, Laws of 2001) – CREATION OF AT-HOME INFANT CHILD CARE PROGRAM**

Reps. David A. Bickford, Laura C. Pantelakos and Donald B. White, appointed by the Speaker of the House.

Sens. Jane E. O'Hearn, Sheila Roberge and Burton J. Cohen, appointed by the President of the Senate.

**HB 442 (Chapter 93:2, Laws of 2001) EFFECTS OF PROTECTIVE CUSTODY ON COUNTY CORRECTIONAL FACILITIES**

Reps. David A. Welch, John E. Tholl, William V. Knowles, Bob M. Fesh, Loren J. Jean, Larry G. Elliott and Mary R. Cooney, appointed by the Speaker of the House.

**HB 451 (Chapter 244:2, Laws of 2001) – IMPACT OF PAY AND BENEFITS FOR CHILD CARE WORKERS ON QUALITY OF CARE FOR CHILDREN**

Reps. David A. Bickford and Laura C. Pantelakos, appointed by the Speaker of the House.

Sens. Russell E. Prescott and Katherine W. Wheeler, appointed by the President of the Senate.

Bonnie Rill, Keene, designee of the Governor.

Cheryl B. Frey, designee of the Commissioner of Insurance.

Margaret Leitch-Copeland, DCYF, and Cheryl Ouellette, DFA, designee of the Commissioner of Health and Human Services.

The Commissioner of Education, or designee.

Tom Raffio, Concord, from New Hampshire Business Partners for Early Learning.

Steve Gorin, Professor of the Plymouth College Social Work Department, selected by the Chancellor of the University.

A representative from the New Hampshire Child Care Association representing non-profit child care providers, selected by that association.

Beverly J. Lynch, President of the New Hampshire Family Child Care Association.

A representative of private child care centers, appointed by the Governor.

A representative of New Hampshire Child Care Resource and Referral Network, selected by that organization.

An individual who is a parent of a child in an early care and learning program, appointed by the Governor.

Tessa McDonnell, a representative from the Advisory Council on Child care in New Hampshire.

**HB 452 (Chapter 59:2, Laws of 2001) – REIMBURSEMENT EXPENSES OF LEGISLATORS STUDY**

Reps. Keith R. Herman, David M. Scanlan and Paul J. Dwyer, appointed by the Speaker of the House.

Sens. Russell E. Prescott, Robert B. Flanders and Daniel P. O'Neil, appointed by the President of the Senate.

Hon. Richard Doucette, Keene, Hon. Sandra Keans, Rochester and Hon. George F. Brown, Rochester, nonvoting members, appointed by the Governor

**HB 475 (Chapter 245:1, Laws of 2001) – COMMISSION ON DEVELOPING A STATEWIDE PROTOCOL FOR INTERVIEWING VICTIMS OF SEXUAL ASSAULT CRIMES**

Reps. Claire B. McHugh (Children) and Joan H. Schulze (Executive Departments), appointed by the Speaker of the House.

Rep. Maxwell D. Sargent (served on 1999,89 study), appointed by the Speaker of the House.

Sen. Debora B. Pignatelli, appointed by the President of the Senate.

Bernard Bluhm, DCYF, appointed by the Commissioner of the Department of Health and Human Services.



Sandra Matheson, Director of the Victim Witness Program of the New Hampshire Attorney General's Office.

Nancy Harris, Director of Victim's Assistance for Strafford County.

Honorable Steven M. Houran, appointed by the Chief Justice of the Superior Court.

Robin Gordon, Esq., Carroll County Attorney and Tom Reid, Esq., Deputy Rockingham County Attorney, appointed by the President of the County Attorneys Association.

Chief Bradley J. Russ, Portsmouth Police Department and Chief Barry Wante, Keene Police Department, appointed by the president of the New Hampshire Association of Chiefs of Police.

Jennifer Sobel, Esq., defense attorney, appointed by the New Hampshire Association of Criminal Defense Attorneys.

John A. Stephen from the State Police, appointed by the Commissioner of the Department of Safety.

Major Keith Lohmann, appointed by the Director of Police Standards and Training.

Eric Mart, Ph.D., ABPP, Manchester, appointed by the Executive Board of the New Hampshire Psychological Association.

Linda Griebisch, Public Policy Director, appointed by the Executive Director of the New Hampshire Coalition Against Domestic and Sexual Violence.

Gloria Paradise, Concord, President of Families Advocating Inmate Reintegration of New Hampshire.

Jo Davidson, Hollis, therapist specializing in child development and child abuse assessment, appointed by the Chairperson of the Attorney General's Task Force on Child Abuse and Neglect.

Hon. Lucinda Sadler, District Court Judge appointed by the Administrative Justice of the District Court.

#### **HB 532 (Chapter 94:3, Laws of 2001) – FUNDING FOR CONTINUED UNIVERSAL DISTRIBUTION OF CHILDREN'S VACCINES**

Reps. Fran Wendelboe (Finance), Andre A. Martel (Health), Alida I. Millham (Health), Kathleen N. Taylor (Commerce) and Rogers Johnson (alternate), appointed by the Speaker of the House.

Sens. Robert K. Boyce, Jane E. O'Hearn and Katherine W. Wheeler, appointed by the President of the Senate.

#### **HB 569 (Chapter 60:2, Laws of 2001) – FAMILY CAREGIVERS INFORMATION AND SUPPORT NEEDS**

Reps. Lawrence A. Emerton, Andre A. Martel (Health), Barbara C. French (Health) and Alida I. Millham (alternate), appointed by the Speaker of the House.

Sens. Edward M. Gordon, Jane E. O'Hearn and Katherine W. Wheeler, appointed by the President of the Senate.

#### **HB 574 (Chapter 61:3, Laws of 2001) – RECODIFICATION OF LAWS RELATING TO THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES**

Reps. Keith R. Herman, David A. Welch, Richard C. Leone and Paul M. Mirski, appointed by the Speaker of the House.

Sens. Carl R. Johnson, Thomas R. Eaton, Edward M. Gordon and Lou D'Allesandro, appointed by the President of the Senate.

#### **HB 588 (Chapter 250:1, Laws of 2001) – VOIR DIRE REVIEW COMMITTEE**

Reps. Larry G. Elliott and John M. Pratt, appointed by the Speaker of the House.

Sens. Russell E. Prescott and George F. Disnard, appointed by the President of the Senate.

#### **HB 594 (Chapter 62:2, Laws of 2001) – USE OF PHYSICAL FORCE IMPLICATION AND JUSTIFICATION FOR TEACHERS AND OTHER PERSONS ENTRUSTED WITH THE CARE AND SUPERVISION OF MINORS**

Reps. Steven J. Winter, Peter L. Batula and Mary Stuart Gile, appointed by the Speaker of the House.

Sens. Jane E. O'Hearn, Carl R. Johnson and Caroline McCarley, appointed by the President of the Senate.

#### **HB 676 (Chapter 255:2, Laws of 2001) – CREATION OF A REGIONAL PROGRAM FOR MARKETING COMPONENTS OF THE MUNICIPAL SOLID WASTE STREAM**

Reps. Robert W. Brundige (Municipal), James G. Phinzy (Environment) and John R. Swindlehurst, appointed by the Speaker of the House.

Sens. Russell E. Prescott (Environment), Beverly A. Hollingworth (Ways and Means) and Theodore L. Gatsas, appointed by the President of the Senate.



### **HB 702 (Chapter 256:8, Laws of 2001) – TASK FORCE TO STUDY PRIVACY ISSUES AS THEY PERTAIN TO FEDERAL LAW**

Reps. Neal M. Kurk, James P. Pilliod and Kathleen N. Taylor, appointed by the Speaker of the House.  
Sens. Thomas R. Eaton, Robert K. Boyce and Lou D'Allesandro, appointed by the President of the Senate.

Alex Feldvebel, designee of the Insurance Commissioner.

Anthony Stevens, designee of the Secretary of State.

Peter Hildreth, Bank Commissioner.

John A. Stephen, designee of the Commissioner of the Department of Safety.

Frank Nachman, the Commissioner of the Department of Health and Human Services.

Trudy Mott-Smith, designee of the Commissioner of the Department of Administrative Services.

Philip Blatsos, designee of the Commissioner of the Department of Revenue Administration.

Lon E. Siel, designee of the Commissioner of the Department of Employment Security.

One representative of each of the following industries, appointed by the Governor:

(1) Attorney Christopher C. Gallagher, Concord - Banking.

(2) Attorney Mike Bartholomew, Washington, D.C. - Insurance.

(3) William Morrison - Securities.

(4) William Cormier, Rochester - Real Estate.

(5) Thomas O'Rourke, Fidelity Investments, Merrimack - Financial service providers.

(6) Kathy Bizarro, NH Hospital Association - Hospitals.

(7) Dr. Andrew Gettinger, Lebanon - Physicians.

(8) James Oueenan, Nashua - Retail pharmacists.

(9) Megan Todd, Behavioral Health Network, Concord - Other health care providers.

Eileen M. Bolander, Bradford, VT., Jennifer Frizzell, Concord, Attorney Joshua Gordon, Concord, Carol Stamatkis, Newport and Linda S. Schuetz, Hooksett, appointed by the Governor.

### **HB 707 (Chapter 258:1, Laws of 2001) – 211 COMMISSION**

Reps. Jeb E. Bradley (Science), Stephen Sloan (Science), Stephen R. L'Heureux and Lawrence A. Emerton (alternate), appointed by the Speaker of the House of Representatives.

Sens. Edward M. Gordon, Katherine W. Wheeler and Clifton C. Below, appointed by the President of the Senate.

The Executive Director of the Bureau of Emergency Communications, or designee.

Ann Ross, designee of the Consumer Advocate.

Kathy Walker, designee of the Commissioner of the Department of Health and Human Services.

Four members appointed by the Governor:

(1) Beth Osler, Contoocook, representing incumbent local exchange carriers.

(2) Larry Singelais, Concord, representing statewide information and referral services.

(3) Debbie Bonnell, Newmarket, representing local information and referral services.

(4) Cheryl Avery Molloy, Alexandria, representing specialized information and referral services.

### **HB 717 (Chapter 259:2, Laws of 2001) – STATE OPERATED TRAILS USED BY ALL TERRAIN VEHICLES**

Reps. John R.M. Alger, H. Charles Royce, Bob Odell and Robert M. McGuire, appointed by the Speaker of the House.

Sens. Edward M. Gordon, Harold W. Burns, Robert B. Flanders and Daniel P. O'Neil, appointed by the President of the Senate.

### **SB 19 (Chapter 122:2, Laws of 2001) – PREVENTION OF VOTER FRAUD**

Sens. Sheila Roberge, Gary R. Francoeur, Daniel P. O'Neil and Robert K. Boyce (alternate), appointed by the President of the Senate.

Reps. Robert E. Clegg, Douglass P. Teschner and Gary R. Gilmore, appointed by the Speaker of the House.

### **SB 21 (Chapter 262:3, Laws of 2001) – COMMISSION TO STUDY THE CREATION OF AFFORDABLE HOUSING**

Sens. Beverly A. Hollingworth and Theodore L. Gatsas, appointed by the President of the Senate.

Reps. Christine M. Konys and Joan H. Schulze, appointed by the Speaker of the House.

Ken Ortmann, Rochester, Marge M. Webster, Center Ossipee, Elliott Berry, Manchester, appointed by the Governor.

The Executive Director of the New Hampshire Municipal Association, or designee.  
 Steven Lewis, designee Executive Director of the Home Builders and Remodelers Association of New Hampshire.

The Director of the Office of State Planning, or designee.

The Executive Director of the New Hampshire Housing Finance Authority, or designee.

The Executive Director of the New Hampshire Association of Realtors, or designee.

The chair of a town board of selectmen, appointed by the Senate President.

Anne Rugg, Portsmouth, the Executive Director of a community-based, non-profit housing developer, appointed by the Governor.

Mark Tay, Esq., designee of the President of the New Hampshire Manufactured Housing Association.

A professional planner from a regional planning commission, appointed by the Speaker of the House.

Michael LaFontaine, designee of the President of the New Hampshire Community Loan Fund.

The President of the New Hampshire Property Owners Association, or designee.

Bernard Streeter, Mayor of Nashua, appointed by the Senate President.

The Commissioner of the Department of Health and Human Services, or designee.

Dobi Dion, designee of the Director of the Granite State Independent Living Foundation.

Tom Dowling, Keene, President of the Greater Keene Chamber of Commerce, appointed by the Governor.

#### **SB 49 (Chapter 64:2, Laws of 2001) – LANDLORD-TENANT MEDIATION PROJECT CREATION**

Sens. Carl R. Johnson, Sheila Roberge and Lou D'Allesandro, appointed by the President of the Senate.

Reps. David G. Poulin, Judson K. Dexter and James W. Craig, appointed by the Speaker of the House.

#### **SB 51 (Chapter 263:3, Laws of 2001) – REGULATION OF CASH DISPENSING MACHINES**

Reps. John B. Hunt, Tara G. Reardon and Sheila T. Francoeur (alternate), appointed by the Speaker of the House.

Sens. Sylvia B. Larsen and Harold W. Burns, appointed by the president of the Senate.

#### **SB 55 (Chapter 97:3, Laws of 2001) – SECURE FACILITIES AND COMMUNITY SHELTER CARE FACILITIES TO SERVICE JUVENILES**

Sens. Beverly A. Hollingworth, Jane E. O'Hearn and Robert K. Boyce, appointed by the President of the Senate.

Reps. Patricia A. Dowling, Leon Calawa and Lionel W. Johnson, appointed by the Speaker of the House.

Joe Diamant, designee of the Commissioner of the Department of Youth Development Services.

Tricia Lucas, designee of the Commissioner of the Department of Health and Human Services.

Steve Mosher, designee of the Commissioner of the Department of Administrative Services.

Mark Thompson designee of the Attorney General.

Judge Williard G. Martin, District Court Judge who routinely hears juvenile delinquency petitions, appointed by the Administrative Justice of the District Courts.

James Boffetti, Esq., appointed by the New Hampshire Bar Association.

A police officer or a police prosecutor experienced with police matters involving juveniles, appointed by the New Hampshire Police Chief's Association.

Philip Daigneault, Belknap County Commissioner, appointed by the New Hampshire Association of Counties.

Mark French, Franklin and Mark Phelps. Manchester, appointed by the Governor.

#### **SB 71 (Chapter 65:2, Laws of 2001) – COMPENSATION OF PERSON LICENSED UNDER THE REAL ESTATE PRACTICE ACT**

Sens. Russell E. Prescott, Robert B. Flanders and Sylvia B. Larsen, appointed by the President of the Senate.

Reps. William R. Zolla, Carl G. Robertson and William K. Clayton, appointed by the Speaker of the House.

**SB 89 (Chapter 55:1, Laws of 2001) – SHORELAND PROTECTION ACT STRENGTHENING AND CLARIFICATION**

Sens. John S. Barnes, Carl R. Johnson and Burton J. Cohen, appointed by the Senate President.  
 Reps. H. Charles Royce, David L. Babson and Sid Lovett, appointed by the Speaker of the House of Representatives.

**SB 93 (Chapter 88:1, Laws of 2001) – SOURCES THAT BURN PETROLEUM PRODUCTS OR COAL TO COMPLY WITH THE AIR TOXIC CONTROL ACT**

Sens. Carl R. Johnson (Environment), Russell E. Prescott and Burton J. Cohen, appointed by the President of the Senate.

Reps. Donald B. White (Science), Edward R. Leach and Naida L. Kaen, appointed by the Speaker of the House.

**SB 100 (Chapter 149:2, Laws of 2001) – MENTAL HEALTH COURT DIVISION FEASIBILITY**

Sens. Katherine W. Wheeler, Russell E. Prescott and Sheila Roberge, appointed by the President of the Senate.

Reps. Henry P. Mock, Terri C. Dudley and Gloria Seldin, appointed by the Speaker of the House.

**SB 123 (Chapter 99:2, Laws of 2001) – STUDY ON HOW INDIVIDUALS INFORMATION IS OBTAINED AND MAINTAINED BY THE DIVISION OF YOUTH AND FAMILIES**

Sens. Edward M. Gordon, Russell E. Prescott and Caroline McCarley, appointed by the President of the Senate.

Reps. Thomas I. Arnold, Claire B. McHugh and Mary Stuart Gile, appointed by the Speaker of the House.

**SB 131 (Chapter 100:1, Laws of 2001) – CHARITY BINGO OPERATIONS**

Sens. Theodore L. Gatsas and Daniel P. O'Neil, appointed by the President of the Senate.

Reps. David W. Hess and Stephen G. Avery, appointed by the Speaker of the House.

**SB 134 (Chapter 153:2, Laws of 2001) - USE OF BUSINESS LOGO SIGNING ON DIVIDED HIGHWAYS**

Sens. Thomas R. Eaton, Carl R. Johnson and Clifton C. Below, appointed by the President of the Senate.

Reps. Edwin O. Smith, Leon Calawa and Charles W. Morse, appointed by the Speaker of the House.

**SB 136 (Chapter 66:2, Laws of 2001) – MULTI-DISCIPLINARY TEAM INVESTIGATIONS OF CHILD ABUSE AND NEGLECT**

Sens. Sheila Roberge, Burton J. Cohen and Sylvia B. Larsen, appointed by the President of the Senate.

Reps. Carolyn M. Gargasz, Daniel C. Itse and Barbara H. Richardson, appointed by the Speaker of the House.

**SB 148 (Chapter 280:5, Laws of 2001) – TRANSFERRING SOME RESPONSIBILITIES FROM THE DEPARTMENT OF REVENUE UNDER RSA 78 TO THE LIQUOR COMMISSION**

Reps. Stephen G. Avery, William Tsiros and Harvey Keye, appointed by the Speaker of the House.

Sens. Sheila Roberge, Mark D. Fernald and Russell E. Prescott, appointed by the President of the Senate.

**SB 193 (Chapter 297:10, Laws of 2001) – ROLE OF SELECTMEN IN THE ASSESSING FUNCTION AND ESTABLISHING AN ASSESSOR'S LICENSING BOARD**

Sens. Lou D'Allesandro, John S. Barnes and Clifton C. Below, appointed by the President of the Senate.

Reps. Keith R. Herman, Betsey L. Patten and Susan W. Almy, appointed by the Speaker of the House.

**STATUTORY COMMITTEES****RSA 12-L:3 – (Repealed and reenacted by HB 606, Chapter 136:2, Laws of 2001) – CHRISTA MCAULIFFE PLANETARIUM COMMISSION**

Reps. Gary R. Gilmore and James R. MacKay, appointed by the Speaker of the House.

Sens. Jane E. O'Hearn and Mark D. Fernald, appointed by the President of the Senate.



Karen Bianco, Gilford, David W. Davis, Keene, Richard Ashooh, Bedford, William Lambrukos, Concord, Francis J. Haines, Jr., North Sutton + one other from the private sector representing business and the not-for-profit community, appointed by the Governor with the consent of Council for a term of 3 years.

Nicholas Donohue and Antoinette B. Galvin, representing the Education community, appointed by the Governor with the consent of Council for a term of 3 years.

Van McLeod, Commissioner of Cultural Resources and Glenn DuBois, President of the New Hampshire Technical Institute shall serve as ex officio members of the commission with voting rights.

The Chairperson of Touch the Future, or designee.

#### **RSA 19-H (HB 385, Chapter 288:1, Laws 2001) – VOLUNTEER NH**

The following members, appointed by the Governor and Executive Council:

Charles Slayton, Meredith, expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth.

Susan Connor, Derry, experience in promoting the involvement of adults 55 years of age or older in service and volunteerism.

Cynthia Billings, Deerfield, Deborah Emery Gigliotti, Rochester and Katya Maiser, North Woodstock, representing a community-based agency or community-based organization with volunteer participation.

Robert Wester, Bow, representative from local government.

James W. Milliken, representative from a local labor organization.

Gayle Braley, Penacook, representative from the business community.

Kathleen Moulis, Concord, individual between 16 and 25 years of age, inclusive, who is or has been a participant or supervisor in a service program.

Marianne B. Fortescue, Barrington, representative of a national service program described in section 122(a) of the National and Community Service Act of 1990, as amended.

David Lamarre-Vincent, Concord, representative from the religious community.

Peter A. Bender, Concord, representative from the philanthropic community.

Daniel Forbes, Rochester, representative from post-secondary education.

Joseph B. Riley, Bow, designee of the Governor.

Sen. Jane E. O'Hearn, appointed by the Senate President.

Rep. Andrew R. Peterson, appointed by the Speaker of the House.

The Commissioner of Education, or designee.

The Chairperson of the Volunteer NH Advisory Council, if any.

#### **RSA 21-J:14-a (SB 193, Chapter 297:1, Laws of 2001) – ASSESSING STANDARDS BOARD**

David Gomez, Derry, Thomas Holmes, Center Conway, and Rex Norman, Nashua, Steven G. Tellier, Manchester and Gary J. Roberge, Deerfield, nominated by the New Hampshire Association of Assessing Officials and appointed by the Governor with the consent of the Council.

Sens. Lou D'Allesandro and Harold W. Burns, appointed by the President of the Senate.

Reps. Betsey L. Patten and Keith R. Herman, appointed by the Speaker of the House.

Stanley R. Arnold, Commissioner of the Department of Revenue Administration.

Terence Murphy, Bridgewater (selectman town under 5,000), Robert A. Estey, Rochester, and Laura J. Thibodeau, Sullivan, members of the public appointed by the Governor with the consent of the Council.

#### **RSA 21-J:14-c (SB 193, Chapter 297:1, Laws of 2001) – EQUALIZATION STANDARDS BOARD**

George Maglaras, Bow, nominated by the New Hampshire Association of Counties and appointed by the Governor with the consent of the Council.

Paula N. Adriance, North Sandwich, nominated by the New Hampshire School Boards Association and appointed by the Governor with the consent of the Council.

Guy A. Santagate, Claremont, nominated by the New Hampshire Municipal Association and appointed by the Governor with the consent of the Council.

Ralph Cutting, Epsom (population less than 5,000) and William Ingalls, Manchester (population more than 5,000), nominated by the New Hampshire Association of Assessing Officials and appointed by the Governor with the consent of the Council.



Joyce Fulweiler, Northfield (Equalization Process), Colleen Brickley, Ashland (Statistics) and Richard Rugg, Greenland, appointed by the Governor with the consent of the Council.  
 Sens. Clifton C. Below and Robert B. Flanders, appointed by the President of the Senate.  
 Reps. Betsey L. Patten and Keith R. Herman, appointed by the Speaker of the House.  
 Barbara T. Reid, designee of the Commissioner of the Department of Revenue Administration.

**RSA 151-E:6-a (SB 167, Chapter 198:2, Laws of 2001) – LONG-TERM CARE RATE ADVISORY COMMITTEE**

Reps. Margaret A. Case (Health) and Rogers J. Johnson, appointed by the Speaker of the House.  
 Sens. Carl R. Johnson and Caroline McCarley, appointed by the President of the Senate.  
 Two persons representing county nursing facilities, recommended by the New Hampshire Association of Counties.

Two persons representing private nursing facilities, recommended by the New Hampshire Health Care Association.

Two persons representing home health care providers, including one for-profit provider and one not-for-profit provider, recommended by the Home Health Care Association of New Hampshire.

Two persons representing adult medical day care providers, recommended by the Adult Medical Day Care Providers Association.

One person representing meals on wheels providers, recommended by the New Hampshire Nutrition Providers Association.

One person representing transportation providers, recommended by the New Hampshire Association of Transportation Providers.

One person representing other qualified agencies that provide personal care services, recommended by any such agencies.

One person who is a geriatric psychiatrist.

One person representing residential care providers, recommended by the Association of Residential Care Homes of New Hampshire.

Two consumer representatives.

Two persons representing ServiceLink New Hampshire, one from a rural area and one from an urban area, recommended by the ServiceLink New Hampshire network.

One direct care provider of personal care.

One certified nurse assistant, recommended by the New Hampshire Board of Nursing.

One registered nurse, recommended by the New Hampshire Board of Nursing.

**RSA 188-F:52 (Repealed and reenacted by HB 570, Chapter 133:9, Laws of 2001) – GRANT REVIEW COMMITTEE**

The Commissioner of the Department of Regional Community Technical Colleges, or designee.

The Commissioner of the Department of Employment Security, or designee.

The Commissioner of the Department of Resources and Economic Development, or designee.

One member representing labor, nominated by the Commissioner of Regional Community-Technical Colleges and approved by the Board of Trustees.

James McKim, Goffstown + 2 others representing business and industry.

Gary Levy, Portsmouth (Senate President), Paul Hartgen (Speaker of the House) - The Governor, Senate President, and Speaker of the House of Representatives shall each appoint one such member.

Sen. Carl R. Johnson, appointed by the Senate President.

Rep. Robert E. Clegg, appointed by the Speaker of the House of Representatives.

The President of the Workforce Opportunity Council, Inc.

RESIGNATIONS, DEATHS, SPECIAL ELECTIONS

RESIGNED

01/11/01	Hills. 29	Alciere, Tom, r
02/28/01	Hills. 44	Beaupre, Roland O., r
08/01/01	Hills. 42	Duval, Jeffrey S., d
08/12/01	Rock. 22	Woekel, Ralph F., r
11/01/01	Rock. 4	Dodge, Robert K., r

DECEASED

02/20/01	Ches. 11	Lambert, Bernard J., d
04/10/01	Hills. 39	Patria, Bonnie L., d
05/13/01	Rock. 29	Mikowski, Walter J., r
05/25/01	Ches. 15	Russell, Ronald G., d
11/09/01	Merr. 14	Poulin, David G., r

SPECIAL ELECTIONS

Took oath

05/03/01	Hills. 29	Gleneck, David J., r
05/09/01	Ches. 11	Liebl, George J., r
08/22/01	Rock. 29	Dumaine, Dudley, D., r
10/10/01	Hills. 44	Dionne, David M., d
10/24/01	Hills. 42	Murphy, Robert E., d
10/24/01	Ches. 15	Slack, Pamela Russell, d
11/21/01	Hills. 39	Sullivan, Peter M., d
12/05/01	Rock. 22	O'Neil, Michael, r

CHANGE IN PARTY AFFILIATION:

01/03/01	Rock. 22	Kelley, Jane P., (d to r)
05/08/01	Merr. 12	Davis, Frank W., (r to d)

Party breakdown on the 400 seats

Republicans:	255, R,	=	255
Democrats:	142, D	=	142
Libertarian	1, L	=	001

Currently elected and qualified = 398

Vacancies: Resignations 1, Deaths 1 = 002

Total Seats = 400

Men: 280, Women: 118

**TABLE OF REFERENCES**  
**FROM CHAPTER OF 2001 LAWS TO BILL NUMBERS**

Chapter	Bill Number	Chapter	Bill Number	Chapter	Bill Number
1	HB 204-FN	51	SB 37	101	SB 150
2	HB 763-L	52	SB 40	102	HB 745-FN
3	HB 111	53	SB 50	103	HB 105-FN-A
4	HB 167	54	SB 85	104	HB 112
5	HB 106	55	SB 89	105	HB 123-FN
6	HB 117	56	SB 92	106	HB 164
7	HB 144	57	HB 107	107	HB 305-FN-A
8	HB 163	58	HB 255	108	HB 310-FN-A
9	HB 168	59	HB 452	109	HB 347-FN
10	HB 233	60	HB 569	110	HB 371
11	HB 102	61	HB 574	111	HB 388
12	HB 109	62	HB 594	112	HB 394
13	HB 113-L	63	SB 23	113	HB 396
14	HB 125	64	SB 49	114	HB 413
15	HB 228	65	SB 71	115	HB 459-FN
16	HB 254	66	SB 136	116	HB 477-FN
17	HJR 1	67	HB 350-FN	117	HB 501
18	HB 118	68	HB 129	118	HB 520
19	HJR 3	69	HB 166	119	HB 534
20	HB 121	70	HB 175-FN-L	120	HB 580
21	HB 124	71	HB 194	121	HB 443
22	HB 236	72	HB 203	122	SB 19
23	HB 242	73	HB 218-FN	123	SB 20
24	HB 263	74	HB 224	124	SB 46
25	HB 273	75	HB 245	125	SB 57
26	HB 395	76	HB 403	126	SB 83
27	HB 397	77	HB 416	127	SB 147
28	HB 480	78	HB 435	128	HB 311-FN-A
29	HB 489	79	HB 620	129	HJR 5
30	HB 120	80	HB 639	130	HB 1-A
31	HB 142	81	HB 663	131	HB 158
32	HB 143	82	HB 680	132	HB 219
33	HB 189	83	SB 13	133	HB 570-FN
34	HB 230	84	SB 14	134	HB 590
35	HB 367-L	85	SB 42	135	HB 591
36	HB 369	86	SB 45	136	HB 606-FN
37	HB 376	87	SB 59	137	HB 610
38	HB 377	88	SB 93	138	HB 612
39	HB 433	89	SB 156	139	HB 615
40	HB 482	90	SB 169	140	HB 635
41	SB 11	91	HB 303-FN-A-L	141	HB 637-FN
42	SB 12	92	HB 370	142	HB 677
43	SB 15	93	HB 442	143	HB 720
44	SB 25	94	HB 532	144	HB 769-FN-L
45	SB 27	95	HB 595	145	SB 58
46	SB 44	96	SB 47	146	SB 62
47	HB 232	97	SB 55	147	SB 82
48	HB 727	98	SB 61	148	SB 98
49	SB 33	99	SB 123	149	SB 100
50	SB 35	100	SB 131-FN-A	150	SB 107-FN

Chapter	Bill Number	Chapter	Bill Number	Chapter	Bill Number
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152	SB 132	201	HB 760-FN	250	HB 588
153	SB 134-FN-A	202	HB 25-FN-A	251	HB 603-FN-A
154	SB 144-L	203	SB 54	252	HB 604-FN
155	SB 165-FN	204	SB 76-FN	253	HB 643-FN
156	SB 174-FN-A	205	SB 99	254	HB 652-L
157	SB 190	206	SB 103	255	HB 676
158	HB 170-FN-A	207	SB 109	256	HB 702
159	HB 135	208	SB 149	257	HB 703
160	HB 140	209	SB 152-FN	258	HB 707
161	HB 152-FN	210	SB 168-FN	259	HB 717
162	HB 156	211	SB 170-FN-A-L	260	HB 731-FN
163	HB 160	212	SB 176-FN-A	261	SB 18
164	HB 177-FN-A	213	SB 184	262	SB 21
165	HB 181-FN	214	HB 103	263	SB 51
166	HB 183-FN	215	HB 202	264	SB 111-FN
167	HB 186-FN-A	216	HB 271	265	SB 139
168	HB 197	217	HB 361	266	SB 192-FN
169	HB 210-FN	218	HB 374	267	SB 197-FN
170	HB 261-FN	219	HB 390	268	HB 215
171	HB 265	220	HB 402	269	HB 238
172	HB 275	221	HB 412	270	HB 240
173	HB 276-FN-A	222	HB 446	271	HB 258
174	HB 296-FN	223	HB 499	272	HB 259
175	HB 302-FN	224	HB 525	273	HB 260
176	HB 308	225	HB 554-FN	274	HB 277-L
177	HB 326-FN-A	226	HB 584-FN-A	275	HB 279-FN-A-L
178	HB 387	227	HB 616	276	SB 41
179	HB 453	228	HB 667	277	SB 48
180	HB 471-FN	229	HB 699	278	SB 53
181	HB 481	230	HB 764-FN	279	SB 74
182	HB 493	231	HB 131	280	SB 148
183	HB 511	232	HB 288-FN	281	SB 157
184	HB 573	233	HB 315-FN	282	HB 126-FN
185	HB 579	234	HB 320-FN	283	HB 132-FN
186	HB 583	235	HB 328-FN-L	284	HB 256
187	HB 596	236	HB 332-FN-L	285	HB 274-FN
188	HB 648-FN	237	HB 337-FN	286	HB 743
189	HB 659-FN	238	HB 357	287	HB 354-FN-A-L
190	HB 684	239	HB 373	288	HB 385
191	HB 698	240	HB 405	289	HB 450
192	HB 719	241	HB 408-FN	290	HB 543-FN
193	HB 740	242	HB 426	291	HB 649-FN
194	HB 753	243	HB 444	292	HB 726-L
195	SB 63	244	HB 451	293	HB 758
196	SB 84	245	HB 475	294	SB 68
197	SB 106	246	HB 509	295	SB 118
198	SB 167-FN-A	247	HB 547-FN	296	SB 119
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**2001**  
**HOUSE JOURNAL**  
**NUMERICAL INDEX**

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bills
HJR	House Joint Resolutions
HCR	House Concurrent Resolutions
HR	House Resolutions
SB	Senate Bills
SCR	Senate Concurrent Resolution
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (Inexpedient to Legislate)
(K)	final action in 2 <sup>nd</sup> body
LT	laid on the table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
ret	retained in committee
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
vac	vacate
Ways and Means	referred to Ways and Means committees
wthd	withdrawn

**2001 SESSION  
HOUSE BILLS**

- HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003. (Kurk, Hills 5; Finance)  
114, am (3 RCs) 431-441, psd 512, nonconc S am, conf (2 RCs) 895-900, 910, conferee change 920, rep adop (RC) 961-963, enr 9667 (Chapter 130)
- HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 5; Finance)  
114, am(RC) 441-451, psd 512, (SK)
- HB 3-24**, not introduced
- HB 25-FN-A**, making appropriations for capital improvements. (E. Smith, Ches. 6; Public Works and Highways)  
140, am, Finance & remarks 352-361, am 451-460, psd 512, conc S am 906, enr am 924, enr 967 (Chapter 202)
- HB 26-49**, not introduced
- HB 50-FN-A-L**, relative to sources of funding an adequate education. (Hess, Merr 11; Ways and Means)  
70, LT (2RCs) 469-480, recon rej & K (3RCs) 503-511, recon & LT (2RCs) 513-518, 1018
- HB 51-100**, not introduced
- HB 101**, relative to suspension of lobbyists for false statements or misrepresentation of material facts. (Marshall Quandt, Rock 20; et al: Legislative Administration)  
**new title:** requiring registered lobbyists to sign a statement concerning false statements or misrepresentation of material facts.  
29, rem 75, rcmt 83, am 275-276, psd 293, died on the table in S 1018 (K)
- HB 102**, allowing bankruptcy judges to perform marriages after obtaining a special license. (Foster, Hills 10; et al: Children and Family Law)  
29, am 80, psd 83, S conc 373, enr 521 (Chapter 11)
- HB 103**, relative to the possession of double-edged knives by convicted felons or during the commission or attempted commission of a violent crime. (Ruffner, Rock 25; et al: Criminal Justice and Public Safety)  
**new title:** relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.  
29, am 94-95, psd 110, S conc 906, enr am 924, enr 967 (Chapter 214)
- HB 104**, relative to dial-up Internet service providers. (Marshall Quandt, Rock 20; et al: Science, Technology and Energy)  
29, K 99
- HB 105-FN-A**, establishing an agricultural nutrient management program and making an appropriation therefor. (Babson, Carr 5; et al: Environment and Agriculture)  
29, Finance 81, rules suspended & SO 539, SO 567, am 577, psd 633, S concur 821, enr 920 (Chapter 103)
- HB 106**, relative to honey products. (Melcher, Hills 11; et al: Commerce)  
29, am 75-76, psd 83, S conc 293, enr 374 (Chapter 5)
- HB 107**, naming a certain bridge in the town of Milford. (Herman, Hills 13; et al: Public Works and Highways)  
**new title:** naming a certain bridge in the town of Milford and naming the LaMott Wing at the Glenclyff Home for the Elderly.  
29, psd 79, 83, conc S am 751, enr am 773, enr 819 (Chapter 57)

- HB 108**, prohibiting retailers from selling wine, beer, and cigarettes below the wholesale cost. (Salatiello, Belk 2: Commerce)  
29, K 76
- HB 109**, establishing a committee to study the consumer protection effort in New Hampshire. (Marshall Quandt, Rock 20; et al: Commerce)  
29, psd 47-48, 56, S conc 373, enr 521, duties repealed & reenacted 1025, appointments 1026 (Chapter 12)
- HB 110-L**, increasing the period of years the city of Laconia may use a certain parcel of state land. (Wood, Belk 7; et al: Public Works and Highways)  
29, K 81-82
- HB 111**, relative to paper purchased by or for state agencies. (B. Hall, Hills 20: Executive Departments and Administration)  
29, psd 48, 56, S conc & enr 177 (Chapter 3)
- HB 112**, establishing a study committee on antitrust laws as they apply to hospital business practices. (Marshall Quandt, Rock 20; et al: Commerce)  
**new title:** establishing a study committee on issues relating to hospital business practices and managed care organizations' networks.  
29, am 178, psd 239, conc S am 823, enr 920, appointments 1026 (Chapter 104)
- HB 113-L**, relative to the Nute High School and library trustees. (Brundige, Hills 18; et al: Municipal and County Government)  
29, psd 79, 83, S conc 373, enr 521 (Chapter 13)
- HB 114**, relative to notice requirements governing self-storage facility liens. (Almy, Graf 14: Commerce)  
29, K 76
- HB 115**, relative to automated telemarketing practices. (Melcher, Hills 11; et al: Commerce)  
29, K 384
- HB 116**, establishing a policy for naming state highways, bridges, and buildings. (Cloutier, Sull 8; et al: Public Works and Highways)  
29, am 82, psd 83, S nonconc 634
- HB 117**, establishing a committee to study the adoption of the uniform common interest ownership act. (Poulin, Merr 14; et al: Judiciary)  
29, psd 49, 56, S conc 293, enr 374, appointments 1026(Chapter 6)
- HB 118**, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization. (Dalrymple, Rock 26; et al: Health, Human Services and Elderly Affairs)  
29, am 49, psd 56, S conc 373, enr 541 (Chapter 18)
- HB 119**, relative to exemptions and credits to property taxes when the property is sold. (Thulander, Hills 6: Municipal and County Government)  
29, K 97-98
- HB 120**, making the commissioner of the department of youth development services a member of the department of youth development advisory board. (Lyman, Carr 5: Children and Family Law)  
**new title:** relative to the membership of the department of youth development advisory board.  
30, am 117, psd 139, S conc 753, enr 818, committee amended 1026 (Chapter 30)
- HB 121**, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens. (Almy, Graf 14: Judiciary)  
30, psd 49, 56, S conc 541, enr 722, appointments 1026 (Chapter 20)

- HB 122-FN-L**, relative to euthanizing repeatedly vicious dogs. (Thomas, Belk 03: Criminal Justice and Public Safety)  
30, am 101, psd 110, S nonconc 294
- HB 123-FN**, relative to the retirement system classification for the director of the division of safety services, department of safety. (Dyer, Hills 8; et al: Executive Departments and Administration)  
**new title:** relative to the retirement system classification for the director of the division of safety services, department of safety and relative to retirement allowances for certain state employees.  
30, Finance 77, psd 246, 293, conc S am 887, enr 920 (Chapter 105)
- HB 124**, establishing a committee to study on-line voting. (Torresen, Carr 10; et al: Election Law)  
**new title:** establishing a committee to study on-line and electronic voting.  
30, am 118, psd 139, S conc 634, enr 722, appointments 1026 (Chapter 21)
- HB 125**, naming New Hampshire route 12-A from West Lebanon to the Cornish-Windsor Bridge the Maxfield Parrish Highway. (Allison, Sull 10; et al: Public Works and Highways)  
30, am 79, psd 83, S conc 374, enr 541 (Chapter 14)
- HB 126-FN**, relative to the board of pharmacy and the regulation of pharmacists. (Millham, Belk 4; et al: Executive Departments and Administration)  
30, psd 48, 56, conc S am 892, enr am 967-968, enr 970 (Chapter 282)
- HB 127**, relative to motor vehicle dealer plates. (Batchelder, Ches 2; et al: Transportation)  
30, K 80
- HB 128**, prohibiting the right to pass and repass from being assigned to successive land owners unless the deed or conveyance specifically provides for reassignment of the right. (Lefebvre, Hills 31: Judiciary)  
30, K 49
- HB 129**, relative to amending condominium instruments governing assignment of limited common areas. (Poulin, Merr 14; et al: Commerce)  
30, am 76-77, psd 83, S conc 772, enr 887 (Chapter 68)
- HB 130**, relative to the maintenance of boundaries and fences. (Philbrick, Carr 4; et al: Municipal and County Government)  
30, am 190-191, psd 239, died on table in S 1018 (K)
- HB 131**, relative to the retention and disposal of certain financial disclosure forms. (Millham, Belk 4; et al: Election Law)  
30, am 301, psd 372, nonconc S am, conf 901, 910, rep adop 953, enr am 971, enr 975, committee amended 1025 (Chapter 231)
- HB 132-FN**, relative to the damage or destruction of an emergency vehicle or emergency services equipment. (Thomas, Belk 3: Criminal Justice and Public Safety)  
30, am 95-96, psd 110, nonconc S am, conf 892, 910, conferee change 920, rep adop 953, enr 975 (Chapter 283)
- HB 133**, relative to an informed jury. (Soltani, Merr 10; et al: Judiciary)  
30, K (2 RCs) 123-128
- HB 134**, permitting challenges to judges. (Soltani, Merr 10; et al: Judiciary)  
30, psd (RC)128-131, 139, Clerk's note 1023, (S Com)
- HB 135**, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. (Rowe, Hills 14; et al: Judiciary)  
30, am RC) 50-53, psd 56, S conc 906, enr 923, appointments 1026-1027 (Chapter 159)
- HB 136**, making attorneys subject to the Consumer Protection Act. (Wendelboe, Belk 2: Commerce)  
30, K 77



- HB 137**, establishing a committee to study the definition of domicile for voting purposes. (Lockwood, Merr 9; et al: Election Law)  
30, ret 1019
- HB 138**, relative to participation by minors in certain athletic activities. (Pilliod, Belk 3; et al: Children and Family Law)  
30, K 80-81
- HB 139**, relative to administrative rules proposed by agencies, boards, and commissions regulating occupational licenses. (Goulet, Hills 15; et al: Executive Departments and Administration)  
30, K 81
- HB 140**, relative to interest on judgments. (Craig, Hills 38: Judiciary)  
30, rem 47, rcmt 53, am 77-78, psd 83, conc S am 891, enr 923 (Chapter 160)
- HB 141-L**, relative to regulation of junk yards. (Scanlan, Graf 11; et al: Environment and Agriculture)  
30, am 360, psd 293, S Com 915, Clerk's note 1023, (S Com)
- HB 142**, establishing a committee to study encryption of confidential information. (Emerton, Hills 7; et al: Commerce)  
30, psd 48,56, conc S am 751, enr 818, appointments 1027 (Chapter 31)
- HB 143**, establishing a committee to study the shortage of health care providers in New Hampshire. (Emerton, Hills 7: Health, Human Services & Elderly Affairs)  
**new title:** establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire.  
30, am 96-97, psd 110, conc S am 751, enr 818, appointments 1027 (Chapter 32)
- HB 144**, establishing a committee to study the CHINS process. (Lyman, Carr 5: Children and Family Law)  
30, psd 47, 56, S conc 293, enr 374, appointments 1027 (Chapter 7)
- HB 145-FN-A-L**, establishing the position of state animal control officer and making an appropriation therefor. (Phinizy, Sull 7; et al: Executive Departments and Administration)  
30, K 77
- HB 146**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. (Avery, Ches 8; et al: Transportation)  
31, am 100, psd 110, Clerk's note 1023, (S Com)
- HB 147-FN-A**, requiring annual registration by condominium unit owners' associations. (Poulin, Merr 14; et al: Commerce)  
31, K 299
- HB 148**, establishing a committee to study the feasibility and value of encouraging the construction and operation on state park lands of publicly or privately-owned hotels, conference centers, and other resort facilities. (Langone, Rock 13; et al: Resources, Recreation and Development)  
31, K 98
- HB 149**, naming the rest area at exit 6 along the F.E. Everett Turnpike the "Indian Head Rest Area." (R. L'Heureux, Hills 18; et al: Public Works and Highways)  
31, K 149
- HB 150**, relative to voter checklist information. (Buckley, Hills 44: Election Law)  
38, K 406
- HB 151**, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. (Rosen, Belk 7; et al: Ways and Means)  
38, rules suspended & SO 237-238, K 286

- HB 152-FN**, relative to expanding the legal methods of taking game animals. (R. L'Heureux, Hills 18; et al: Fish and Game)  
**new title:** relative to expanding the legal methods of taking deer.  
 39, rules suspended & SO 539, SO 567, am 584-585, psd 633, S conc 907, enr 923 (Chapter 161)
- HB 153**, lowering the minimum medical cost coverage for motor vehicle liability policies. (Phinizy, Sull 7: Commerce)  
 39, psd 179, 239, died on table in S 1018, (K)
- HB 154**, relative to candidates of parties nominated by nomination papers. (Stritch, Rock 5; et al: Election Law)  
**new title:** relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket.  
 39, am 406-407, psd 512, Clerk's note 1023, (S Com)
- HB 155**, relative to the initial appearance in CHINS cases. (Dowling, Rock 13: Children and Family Law)  
 39, K 298
- HB 156**, relative to the detention of juveniles in delinquency proceedings. (Dowling, Rock 13: Children and Family Law)  
 39, psd 178, 239, S conc 907, enr 923 (Chapter 162)
- HB 157**, clarifying the immunity from liability of police officers, firefighters, and bystanders who apply lifesaving measures in emergencies. (J. Flanders, Rock 18; et al: Judiciary)  
**new title:** clarifying the immunity from liability of persons providing emergency care.  
 39, am 119-120, psd 139, Clerk's note 1023 (S Com)
- HB 158**, relative to the use of an artificial light to locate moose. (Gallus, Coos 7; et al: Fish and Game)  
 39, rem 382, rules suspended & SO 511, 539, 567, 632, am 672-673, psd 722, conc S am 776, enr 920 (Chapter 131)
- HB 159**, relative to removal of political advertising. (Marshall Quandt, Rock 20: Election Law)  
 39, K 123
- HB 160**, establishing a committee to study the issue of one-day/one-trial jurors. (DiFruscia, Rock 27: Judiciary)  
 39, psd 78, 83, S conc 907, enr 923, appointments 1027 (Chapter 163)
- HB 161**, establishing a committee to study the use of jurors 16 years of age or younger in criminal trials where the defendant is a juvenile. (DiFruscia, Rock 27: Judiciary)  
 39, K 78
- HB 162-FN-L**, ratifying articles 28, 29 and 30 of the 2000 Hudson annual town meeting. (Alukonis, Hills 23; et al: Municipal and County Government)  
**new title:** ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts.  
 39, am 741, psd 752, Clerk's note 1024
- HB 163**, establishing a committee to study opening the state house to the public on weekends. (Lynde, Hills. 24: Legislative Administration)  
 39, psd 79, 83, S conc 293, enr 374, appointments 1027 (Chapter 8)
- HB 164**, relative to exceptions to the confidentiality of certain department of employment security records. (Dickinson, Carr 2; et al: Labor, Industrial and Rehabilitative Services)  
 39, am 248-249, psd 293, S conc 772, enr am 820, enr 920 (Chapter 106)
- HB 165**, relative to the requirement for including constitutional amendments in the warrant posted at the polling place before general elections. (Dodge, Rock 4: Election Law)  
 39, K 145

- HB 166**, establishing a committee to study gas and hazardous substance pipeline safety. (Hill, Rock 29; et al: Science, Technology and Energy)  
**new title:** requiring the gas utility restructuring oversight committee to study gas and hazardous substance pipeline safety.  
 39, am 99, psd 110, conc S am 756, enr 887, committee amended 1025 (Chapter 69)
- HB 167**, relative to the authority of the consumer advocate. (Gilmore, Straf 11; et al: Science, Technology and Energy)  
 39, psd 99, 100, S conc & enr 177 (Chapter 4)
- HB 168**, relative to transfers of ownership of cemetery plots or burial spaces. (L. Foster, Hills 10; et al: Municipal and County Government)  
 39, psd 98, 110, S conc 293, enr 374 (Chapter 9)
- HB 169-FN**, repealing the certificate of need law. (Marshall Quandt, Rock 20; et al: Health, Human Services & Elderly Affairs)  
 39, ret 1019
- HB 170-FN-A**, repealing the legacies and succession tax. (McGuirk, Ches 1; et al: Ways and Means)  
**new title:** relative to state fees, funds, revenues, and expenditures.  
 39, am (3RCs) 480-503, psd 512, nonconc S am, conf 911, 914, conferee change 920, rep adop (2RCs) 954-959, enr am 964-967, enr 967, appointments 1027 (Chapter 158)
- HB 171-FN**, abolishing the death penalty. (Splaine, Rock 34; et al: Criminal Justice and Public Safety)  
 39, LT rej, K (RC) & IP 329-332
- HB 172-FN-A**, to construct a noise barrier along a portion of I-95 and making an appropriation therefor. (Pantelakos, Rock 30; et al: Public Works and Highways)  
 39, K 82-83
- HB 173-FN**, relative to the place and time of detention. (Rowe, Hills 14: Judiciary)  
 39, rem 117, K 138
- HB 174-FN**, relative to license plates for deaf and hard-of-hearing drivers. (Emerton, Hills 7: Transportation)  
 39, K 100
- HB 175-FN-L**, relative to the amount and scope of the homestead right. (Melcher, Hills 11: Judiciary)  
**new title:** relative to the amount of the homestead right.  
 39, am 78, psd 83, S conc 772, enr 887 (Chapter 70)
- HB 176-FN-L**, relative to the port in the city of Portsmouth, New Hampshire. (Pantelakos, Rock 30; et al: Public Works and Highways)  
 39 K (RC) 132-136
- HB 177-FN-A**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. (Lessard, Hills 23; et al: State-Federal Relations and Veterans Affairs)  
 39, Finance 121, rules suspended & SO 539, SO 567, am 577-578, psd 633, conc S am (RC) 907-910, enr 923 (Chapter 164)
- HB 178-FN**, permitting certain village districts to become eligible for state highway aid apportionment. (Philbrick, Carr 4: Public Works and Highways)  
 40, K 79
- HB 179-FN**, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. (Bickford, Straf 1; et al: Children and Family Law)  
 40, ret 1019

- HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults. (Flora, Hills 15; et al: Criminal Justice and Public Safety)  
40, am 143, psd 173, Clerk's note 1023, (S Com)
- HB 181-FN**, allowing police and corrections officers who have been group II members for 5 years to maintain group II membership in the retirement system when they become police trainers. (J. Flanders, Rock 18: Executive Departments and Administration)  
**new title:** relative to group II retirement system membership for police and corrections officers who become police trainers.  
40, am 180-181, psd 239, S conc 821, enr am 916, enr 923 (Chapter 165)
- HB 182-FN**, increasing the number of supreme court justices. (Buckley, Hills 44: Judiciary)  
40, K 78
- HB 183-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Poulin, Merr 14; et al: Executive Departments and Administration)  
40, am 201, psd 239, S conc 821, enr am 916, enr 923 (Chapter 166)
- HB 184-FN-A**, establishing a 3 percent sales and use tax for the purpose of funding public education. (B. Moore, Rock 21: Ways and Means)  
40, rem 143, K (RC) 168-170
- HB 185-FN-L**, repealing the prospective repeals of the education property tax and related laws. (Hunt, Ches 10: Ways and Means)  
40, rules suspended & SO 237-238, LT 286, 1018
- HB 186-FN-A**, establishing a pesticides training program. (Melcher, Hills 11; Babson, Carr 5: Environment and Agriculture)  
40, Ways & Means 180, am 429, psd 512, S conc 821, enr am 916, enr 923 (Chapter 167)
- HB 187-FN-L**, relative to the Manchester airport authority security force. (Dodge, Rock 4: Municipal and County Government)  
40, rem 94, K 109-110
- HB 188-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Dwyer Hills 43; et al: Executive Departments and Administration)  
40, K 145
- HB 189-FN**, increasing the facility funding limits under the oil discharge and disposal cleanup fund. (Holbrook, Belk 7; et al: Finance)  
40, psd 154, 174, S conc 753, enr 818 (Chapter 33)
- HB 190**, relative to prayer in the public schools. (Itse, Rock 11; et al: Education)  
40, K 101-102
- HB 191**, permitting unmarried adults to adopt jointly. (Buckley, Hills 44; et al: Children and Family Law)  
41, K (RC) 195-197
- HB 192-A**, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. (Cloutier, Sull 8; et al: Public Works and Highways)  
41, K 194
- HB 193**, establishing a committee to study state payments for court-ordered placements of special education pupils. (Foster, Hills 10; et al: Education)  
41, psd 96, 110, S Com 915, Clerk's note 1023, (S Com)
- HB 194**, relative to municipal budget hearings, recommendations, and reports. (Patten, Carr 9: Municipal and County Government)  
41, psd 121, 139, S conc 772, enr 887 (Chapter 71)



- HB 195**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. (Allen, Ches 7: Environment and Agriculture)  
41, am & K (RC) 260-264
- HB 196-L**, relative to civil forfeiture for failure to license or renew a dog license. (Wendelboe, Belk 2; et al: Municipal and County Government)  
**new title**: relative to the penalty for failure to license a dog or renew a dog license.  
41, am 191, psd 239, died on table in S 1018 (K)
- HB 197**, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. (Welch, Rock 18; et al: Criminal Justice and Public Safety)  
41, am 48, psd 56, S conc 907, enr 923, report date extended 1025 (Chapter 168)
- HB 198-FN**, relative to state imposed time limits on public assistance eligibility. (Rosen, Belk 7; et al: Health, Human Services and Elderly Affairs)  
41, K 81
- HB 199**, relative to the collection of property taxes assessed on manufactured housing. (Arnold, Hills 20; et al: Municipal and County Government)  
41, K 132
- HB 200**, not introduced
- HB 201**, requiring voters to present identification to obtain a ballot. (Nowe, Rock 3; et al: Election Law)  
**new title**: relative to voters presenting identification to obtain a ballot.  
41, rules suspended & SO 539, am (RC) 559-563, psd 567, S conc 907, enr 923, veto sustained (RC) 999-1003
- HB 202**, relative to the legislative ethics committee. (J. Bradley, Carr 8; et al: Legislative Administration)  
41, am 162-163, psd 174, S conc 915, enr 967, committee amended 1025 (Chapter 215)
- HB 203**, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. (Knowles, Straf 11; et al: Judiciary)  
41, am 120, psd 139, conc S am 756, enr 887 (Chapter 72)
- HB 204-FN**, relative to loan guarantees by the business finance authority. (Scanlan, Graf 11; et al: Finance)  
41, am 48-49, psd 56, S conc & enr 75 (Chapter 1)
- HB 205-FN-L**, relative to creditable service for eligibility by retired teachers for payment of medical benefits. (C. Jean, Hills 32; et al: Executive Departments and Administration)  
41, K 181
- HB 206-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Whittier, Rock 18: Labor, Industrial and Rehabilitative Services)  
41, am & Finance 189, psd 413, 512, Clerk's note 1023, (S Com)
- HB 207-FN-L**, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity. (Philbrick, Carr 4; et al: Environment and Agriculture)  
42, Finance 197-198, psd 862, 888, Clerk's note 1024

- HB 208-FN**, changing the license requirement for operators collecting the meals and rooms tax. (Major, Rock 16; et al: Ways and Means)  
**new title:** changing the license requirement for operators collecting the meals and rooms tax and relative to a property tax exemption for the Woman's Club of Concord.  
42, Finance 80, psd 246, 293, conc S am 893, enr 923 (Chapter 199)
- HB 209-FN**, relative to original and youth operators' licenses. (Packard, Rock 29: Transportation)  
42, ret 1019
- HB 210-FN**, relative to the penalties for persons convicted of subsequent DWI offenses. (Tholl, Coos 5; et al: Criminal Justice and Public Safety)  
**new title:** relative to the penalties for persons convicted of subsequent DWI offenses and correcting the ignition interlock program laws.  
42, am 241-242, psd 292, conc S am 891, enr 923 (Chapter 169)
- HB 211-FN**, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws. (Tholl, Coos 5; et al: Criminal Justice and Public Safety)  
42, rem 94, psd 106, 110, died on table in S 1018 (K)
- HB 212-FN**, expanding income eligibility limits for education property tax hardship relief. (Cox, Rock 24; et al: Ways and Means)  
42, ret 1019
- HB 213-FN**, increasing the allowable amount of education property tax relief. (Cox, Rock 24; et al: Ways and Means)  
42, ret 1019
- HB 214-FN**, requiring transcription of grand jury proceedings. (DiFruscia, Rock 27; et al: Judiciary)  
42, rem 117, K 138
- HB 215**, relative to publication of status of cases before the supreme court. (Wendelboe, Belk 2: Judiciary)  
42, am 120-121, psd 139, nonconc S am, conf 912, 918, rep adop 953, enr 975 (Chapter 268)
- HB 216-FN-L**, requiring a permit for ownership of a pit bull, rottweiler, or doberman. (Brewster, Merr 1: Municipal and County Government)  
42, K 98
- HB 217-FN**, prohibiting the courts from charging fees. (Christiansen, Hills 23: Judiciary)  
42, K 102
- HB 218-FN**, relative to the motor vehicle road toll law and motor vehicle registration fees. (Packard, Rock 29; et al: Transportation)  
42, am & Ways & Means 102-103, rules suspended & SO 539, 567. 632, am 651-652, psd 722, S conc 818, enr 887 (Chapter 73)
- HB 219**, relative to the rules of the road involving school buses. (Sullivan, Carr 2; et al: Transportation)  
42, am 427, psd 512, conc S am 776, enr 920 (Chapter 132)
- HB 220**, relative to primary election candidates. (Brewster, Merr 1; et al: Election Law)  
42, K 407
- HB 221**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (Itse, Rock 11; et al: Labor, Industrial and Rehabilitative Services)  
42, rules suspended & SO 539, 567, K (RC) 600-602
- HB 222-FN**, relative to lighting and light pollution. (Rabideau, Rock 16: Municipal and County Government)  
42, K 220

- HB 223**, allowing a state resident to obtain a license for a pistol or revolver for life. (Gilman, Graf 1: Criminal Justice and Public Safety)  
42, ret 1019
- HB 224**, relative to persons who may sign nomination papers. (Arndt, Rock 27: Election Law)  
42, psd 407, 512, S conc 772, enr 887 (Chapter 74)
- HB 225**, relative to applications for recounts. (Arndt, Rock 27: Election Law)  
42, ret 1019
- HB 226**, relative to instructions to voters for straight-ticket voting. (Arndt, Rock 27; et al: Election Law)  
43, am 301-302, psd 372, Clerk's note 1023, (S Com)
- HB 227**, clarifying certain definitions relating to emergency medical and trauma services. (Dyer, Hills 8: Health, Human Services and Elderly Affairs)  
43, K 119
- HB 228**, relative to dealing in and possessing prescription drugs by podiatrists. (Emerton, Hills 7; et al: Health, Human Services and Elderly Affairs)  
43, psd 77, 83, S conc 374, enr 541 (Chapter 15)
- HB 229**, relative to third person liability under the workers' compensation law. (Herman, Hills 13: Labor, Industrial and Rehabilitative Services)  
43, vac Commerce 173, psd (RC) 534-537, 540, recon rej (RC) 542-545, S nonconc 819
- HB 230**, relative to scheduled permanent impairment awards under the workers' compensation law. (Clegg, Hills 23; et al: Labor, Industrial and Rehabilitative Services)  
43, psd 78, 83, conc S am 751, enr 818 (Chapter 34)
- HB 231**, relative to assignment of judges. (Mirski, Graf 12; et al; Judiciary)  
43, K 415
- HB 232**, relative to compensability of work-related stress injuries under the workers' compensation act. (Clegg, Hills 23; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to compensability of work-related stress injuries under the workers' compensation act and relative to election of remedies for wrongful termination or constructive discharge.  
43, rem 94, psd (RC) 107-109, 110, conc S am 721, enr 818 (Chapter 47)
- HB 233**, amending the duties of the oversight committee for the severely developmentally disabled. (Burnham, Ches 8; et al: Health, Human Services and Elderly Affairs)  
43, psd 97, 110, S conc 293, enr 374, committee amended 1025 (Chapter 10)
- HB 234**, relative to the jurisdiction of the ballot law commission. (Dodge, Rock 4; et al: Election Law)  
43, K 302
- HB 235**, establishing a committee to study certain mental health systems to address the needs of mentally ill persons in New Hampshire. (Mitchell, Ches 3; et al: Health, Human Services & Elderly Affairs)  
43, ret 1019
- HB 236**, relative to the registration of deer. (Royce, Ches 9; et al: Fish and Game)  
43, psd 119, 139, S conc 541, enr 722 (Chapter 22)
- HB 237**, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system. (M. Smith, Straf 8; et al: Education)  
43, psd 118, 139, S Com 772, Clerk's note 1023, (S Com)
- HB 238**, relative to interstate banking. (T. Reardon, Merr 23; Commerce)  
43, psd 94, 110, nonconc S am, conf 751, 819, rep adop 953, enr 975 (Chapter 269)

- HB 239**, relative to certain vehicle stops made by police officers. (Dickinson, Carr 2: Criminal Justice and Public Safety)  
43, K 179
- HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (Burnham, Ches 8; et al: Health, Human Services and Elderly Affairs)  
43, am 97, psd 110, nonconc S am, conf 751, 819, rep adop 953, enr 970 (Chapter 270)
- HB 241**, establishing the offense of careless and negligent driving. (Milligan, Hills 18; et al: Transportation)  
43, K 427
- HB 242**, extending the reporting deadlines for certain study committees and commissions. (E. Smith, Ches 6; et al: Legislative Administration)  
44, psd 141, 174, S conc 541, enr am 634, enr 722, report date extended 1025 (Chapter 23)
- HB 243**, relative to school bus operation. (O'Connell, Hills 13; et al: Transportation)  
44, K 427-428
- HB 244**, establishing a commission to examine the size, compensation, and staff requirements of the legislature. (Lovett, Graf 6; et al: Legislative Administration)  
44, K 148-149
- HB 245**, relative to the duties and staff of the state geologist. (Dyer, Hills 8; et al: Executive Departments and Administration)  
44, psd 118-119, 139, S conc 772, enr 887 (Chapter 75)
- HB 246**, relative to marriage between first cousins. (Grassie, Straf 19: Children and Family Law)  
44, K 252
- HB 247**, relative to the election of county commissioners in Carroll county. (Patten, Carr 9: Municipal and County Government)  
44, K 191-192
- HB 248**, extending for one year the pilot program relative to the administration of medications in residential care facilities. (Stone, Rock 7; et al: Health, Human Services and Elderly Affairs)  
44, K 316
- HB 249-L**, relative to the records of property tax abatements. (Burnham, Ches 8: Municipal and County Government)  
44, K 418
- HB 250**, prohibiting managed care organizations from disqualifying certain entities from their networks. (Martel, Hills 45; et al: Commerce)  
44, K 179
- HB 251**, establishing that local zoning ordinances regulating location are applicable to community living facilities. (Pepino, Hills 40; et al: Municipal and County Government)  
44, rules suspended & SO 539, 567, rcmt 605-606, ret 1019
- HB 252**, establishing a committee to study the administrative functions and procedures of the state court system. (Mirski, Graf 12; et al: Judiciary)  
**new title:** relative to rules promulgated by the supreme court.  
44, rules suspended & SO 539, 567, am & remarks 597-599, psd 633, S Com 915, Clerk's note 1023, (S Com)
- HB 253-FN**, relative to mercury reductions. (J. Bradley, Carr 8; et al: Environment and Agriculture)  
44, vac Science 47, am & Finance 233-236, rules suspended & psd (2RCs) 862-869, 888, Clerk's note 1024



- HB 254**, naming a certain bridge in the town of North Charlestown. (B. Ferland, Sull 6; et al: Public Works)  
**new title:** naming a certain bridge in the town of Charlestown.  
 44, am 149, psd 174, S conc 374, enr 541 (Chapter 16)
- HB 255**, requiring that body piercing be performed by a licensed physician. (Dalrymple, Rock 26; et al: Health, Human Services and Elderly Affairs)  
**new title:** ) establishing a committee to study the practice of "body works."  
 44, am 316-317, psd 373, S conc 753, enr am 773, enr 819, appointments 1027 (Chapter 58)
- HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Clegg, Hills 23; et al: Judiciary)  
 44, am 131-132, psd 139, nonconc S am, conf 914, 919, rep adop 953, enr 975 (Chapter 284)
- HB 257**, relative to disclosure of injuries, medical information, and insurance coverage in claims for bodily injury. (DiFruscia, Rock 27; et al: Commerce)  
 45, K 299
- HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (G. Katsakiores, Rock 13; et al: Transportation)  
 45, psd 80, 83, nonconc S am, conf 912, 920, rep adop 953, enr 970, appointments 1027-1028 (Chapter 271)
- HB 259**, relative to holding sessions for correction of checklists. (F. Davis, Merr 12; et al: Election Law)  
 45, rules suspended & SO 539, psd 563, 567, nonconc S am, conf 901, 910, rep adop 954, enr 975 (Chapter 272)
- HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift. (Elliott, Hills 2; et al: Children and Family Law)  
 45, am 122, psd 139, nonconc S am, conf 776, 869, rep adop 954, enr 970, appointments 1028 (Chapter 273)
- HB 261-FN**, including the judiciary as a public employer under the public employee labor relations act. (J. Pratt, Ches 2; et al: Labor, Industrial and Rehabilitative Services)  
 45, am 189-190, psd 239, conc S am 892, enr 923 (Chapter 170)
- HB 262**, establishing a commission to study the status of the relationship between physician hospital organizations and independent provider associations. (Bruno, Hills 4: Commerce)  
 45, K 179
- HB 263**, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk. (J. Bradley, Carr 8; et al: Public Works and Highways)  
 45, am 121, psd 139, S conc 541, enr 722 (Chapter 24)
- HB 264**, relative to the state treasurer and relative to certain unclaimed or abandoned property. (Dyer, Hills 8: Commerce)  
 45, rules suspended 238, ret 1019
- HB 265**, prohibiting the sale of rolling papers to minors. (Knowles, Straf 11: Commerce)  
 45, psd 118, 139, S conc 907, enr 923 (Chapter 171)
- HB 266**, establishing a committee to study recodification of the election laws. (Arndt, Rock 27; et al: Election Law)  
 45, ret 1019
- HB 267**, relative to increasing the membership on the retirement system board of trustees. (Sova, Graf 11; et al: Executive Departments and Administration)  
 45, K 96

- HB 268**, relative to apportioning presidential electors. (Brewster, Merr 1; et al: Election Law)  
45, K 407
- HB 269**, requiring parental consent for tongue piercing. (P. Katsakiores, Rock 13; et al: Children and Family Law)  
45, K 298
- HB 270-FN**, increasing the mileage reimbursement rate for members of the legislature. (Dickinson, Carr 2; et al: Legislative Administration)  
45, am & Finance (2RCs) 215-220, rules suspended & SO 539, 567, am (RC) 578-580, psd 633, S Com 772, Clerk's noTe 1023
- HB 271**, relative to criminal liability for the conduct of another. (Knowles, Straf 11: Criminal Justice and Public Safety)  
45, am 242-243, psd 292, S conc 915, enr 967 (Chapter 216)
- HB 272**, requiring bottled water labels to indicate the source of the water. (Pitts, Rock 35: Commerce)  
45, K 122-123
- HB 273**, relative to the purpose of state jurisdiction of fish and game regulation. (Mock, Carr 3; et al: Fish and Game)  
45, am 123, psd 139, S conc 634, enr 722 (Chapter 25)
- HB 274-FN**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
46, am 236-237, psd 239, nonconc S am, conf 870, 889, rep adop 959, enr am 971, enr 975 (Chapter 285)
- HB 275**, relative to the expenditure of funds received pursuant to the Workforce Investment Act. (Clegg, Hills 23; et al: Labor, Industrial and Rehabilitative Services)  
46, psd 418, 512, conc S am 892, enr 923 (Chapter 172)
- HB 276-FN-A**, relative to reimbursement of legal fees of supreme court employees who retained counsel during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. (Hager, Merr 18; et al: Finance)  
**new title:** relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor.  
46, rules suspended & SO 539, 567, am 581, psd 633, S conc 907, enr 923 (Chapter 173)
- HB 277-L**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Rodeschin, Sull 4; et al: Municipal and County Government)  
46, psd 192, 239, nonconc S am, conf 912, 919, rep adop 959, enr 975 (Chapter 274)
- HB 278**, naming Langmaid Brook in the town of Pembroke. (F. Davis, Merr 12; et al: Resources, Recreation and Development)  
46, K 98
- HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. (Dyer, Hills 8: Executive Departments and Administration)  
**new title:** relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to accidental disability retirement benefits upon the death of a retired group II member; relative to payment of medical benefits costs for group II members of the retirement system; granting a cost of living adjustment to certain retired group II firefighters; and relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation

**2<sup>nd</sup> new title:** relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor, and relative to retirement allowances for certain surviving spouses of group II retirement system members.

**3<sup>rd</sup> new title:** relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to payment of medical benefits costs for group II members of the retirement system; and relative to the election of optional allowances by certain retirement system members granted disability retirement benefits

46, Finance 119, rules suspended & SO 539, 567, psd 581, 633, nonconc S am, conf 901, 910, rep adop 960, enr am 971, enr 975 (Chapter 275)

**HB 280-FN**, transferring the responsibility and authority of the judicial conduct committee and the attorney's professional conduct committee to the legislature. (Mirski, Graf 12; et al: Judiciary) 57, ret 1019

**HB 281-FN**, establishing an independent administrative office of the courts. (Mirski, Graf 12; et al: Judiciary) 57, rules suspended 238, ret 1019

**HB 282-FN-L**, enabling political subdivision employers to establish minimum hours of service for optional membership in the retirement system by political subdivision employees. (Gorman, Hills 29; et al: Executive Departments and Administration) 57, ret 1019

**HB 283-FN**, establishing a low-digit plate lottery for plates reacquired by the department of safety and for low-digit plates not yet issued by the department. (J. Bradley, Carr 8; et al: Transportation) 57, rem 178, rules suspended & SO 237-238, K 282

**HB 284-FN**, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants. (J. Bradley, Carr 8; et al: Science, Technology and Energy) 57, ret 1019

**HB 285-FN-L**, relative to the adoption of a state building code. (Clegg, Hills 23; et al: Municipal and County Government) 57, ret 1019

**HB 286-FN-L**, relative to the calculation of the adequate education grant amount. (Sapareto, Rock 13; et al: Finance) 57, K (RC) 155-157

**HB 287-FN-L**, relative to provision of a drivers training program before certain persons can be required to undergo drivers license reexamination. (Marshall Quandt, Rock 20; et al: Transportation) 57, K 100-101

**HB 288-FN**, relative to the licensure of interpreters for the deaf and hard of hearing. (Burnham, Ches 8; et al: Executive Departments and Administration) 57, am & Finance 181-186, am 412, psd 512, S conc 907, enr am 924, enr 970 (Chapter 232)

**HB 289-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. (Clegg, Hills 23; et al: Children and Family Law) 57, remt 253, am 383, psd 511, Clerk's note 1023, (S Com)

**HB 290-FN-L**, relative to eliminating adequate education grant weighting for free and reduced-price meals and relative to modifying the formula for weighting certain home schooled pupils. (Weyler, Rock 18; et al: Education) 57, SO 197, rules suspended & SO 237-238, K 332-333

**HB 291-FN-L**, revising the procedure for determining the cost of an adequate education. (Pepino, Hills 40; et al: Finance) 57, K (RC) 157-160

- HB 292-FN**, relative to the travel allowance for members of the general court. (Arnold, Hills 20: Legislative Administration)  
57, rem 178, rules suspended & SO 237-238, K 276
- HB 293-FN-A**, authorizing the production of industrial hemp. (Owen, Merr 6: Environment and Agriculture)  
57, K (RC) 198-200
- HB 294-FN**, excluding certain pension income from household income for purposes of determining education property tax hardship relief. (Cox, Rock 24; et al: Ways and Means)  
57, ret 1020
- HB 295-FN**, relative to medicaid recoveries from third party settlements. (Emerton, Hills 7: Finance)  
57, rules suspended & SO 539, 567, psd 581, 633, S Com 820, Clerk's note 1023 (S Com)
- HB 296-FN**, relative to receiving stolen property. (Flora, Hills 15; et al: Criminal Justice and Public Safety)  
57, rem 94, psd 106, 110, S conc 907, enr 923 (Chapter 174)
- HB 297-FN-L**, eliminating excess education property tax payments. (Pepino, Hills 40; et al: Ways and Means)  
57, rem 143, K (RC) 171-173
- HB 298-FN-L**, relative to charter schools. (Hunt, Ches 10; et al: Education)  
**new title:** relative to charter schools and establishing a charter school revolving fund.  
57, SO 197, rules suspended & SO 237-238, am (RC) & Finance 333-337, ret 1020
- HB 299-FN**, relative to telephone solicitation and the creation of a "no sales solicitation calls" list of consumers. (McRae, Hills 7; et al: Commerce)  
57, K 384-385
- HB 300**, not introduced
- HB 301-FN**, requiring that the department of corrections be charged the lowest rate for inmates who need medical services within the community. (C. Bouchard, Merr 22; et al: Criminal Justice and Public Safety)  
58, ret 1020
- HB 302-FN**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage. (Dyer, Hills 8: Executive Departments and Administration)  
58, am 304, psd 372, S conc 821, enr am 916, enr 923 (Chapter 175)
- HB 303-FN-A-L**, relative to funding of training and certification of fire fighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees. (Dyer, Hills 8; et al: Criminal Justice and Public Safety)  
58, rem 117, am & Ways and Means 136, am 429-431, psd 512, S concur 772, enr am 820, enr 910 (Chapter 91)
- HB 304-FN**, relative to insurance coverage for prostate cancer testing. (Poulin, Merr 14; Commerce)  
58, rem 382, rules suspended & SO 511, 539, 567, 632, am (RC) 662-665, psd 722, died on table in S 1018 (K)
- HB 305-FN-A**, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief. (Mock, Carr 3: Fish and Game)  
58, Finance 188, am 412-413, psd 512, S conc 821, enr 920 (Chapter 107)
- HB 306-FN**, relative to driver education training reimbursement. (Gleason, Rock 13; et al: Transportation)  
58, Finance 194, rem 392, rules suspended & SO 511, 539, 567, 632, K 669-670



- HB 307-FN-A**, increasing the tax on beer and wine. (R. Eaton, Hills 21: Commerce) 58, K 118
- HB 308-FN**, relative to administrative fees added to restitution payments. (Knowles, Straf 11: Criminal Justice and Public Safety) 58, psd 144, 173, S conc 907, enr 923 (Chapter 176)
- HB 309-FN**, relative to the registration of radon testers and mitigators. (J. Bradley, Carr 8; et al: Executive Departments and Administration) 58, K 245
- HB 310-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. (Weyler, Rock 18: Finance) 58, Ways & Means 160, psd 431, 512, conc S am 816, enr 920 (Chapter 108)
- HB 311-FN-A**, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. (Philbrick, Carr 4; et al: Municipal and County Government) 58, psd 250-251, 293, S conc 821, enr 920 (Chapter 128)
- HB 312-FN**, increasing the agent fee for fish and game licenses. (Dickinson, Carr 2; et al: Fish and Game) 58, K 146
- HB 313-FN**, limiting access to certain business records. (Dickinson, Carr 2; et al: Commerce) 58, ret 1020
- HB 314-FN**, relative to administrative rules governing privacy. (Dickinson, Carr 2; et al: Executive Departments and Administration) 58, ret 1020
- HB 315-FN**, relative to the registration of criminal offenders. (Knowles, Straf 11: Criminal Justice and Public Safety) 581, psd 180, 239, nonconc S am, conf 912, 919, conferee change 920, rep adop 959, enr 975 (Chapter 233)
- HB 316-FN**, establishing the position of state energy manager. (Langley, Rock 24; et al: Science, Technology and Energy) 58, rules suspended 239, ret 1020
- HB 317-FN**, revising the New Hampshire Aeronautics Act. (Milligan, Hills 18: Science, Technology and Energy) 58, vac Transportation 75, psd 194, 234, Clerk's note 1023 (S Com)
- HB 318-FN-L**, relative to payment of group health insurance premiums for eligible retired political subdivision members of the retirement system. (Zolla, Rock 13; et al: Executive Departments and Administration) 58, K 186
- HB 319-FN**, including a fetus in the definition of "another" for the purpose of negligent homicide. (Souza, Hills 40; et al: Criminal Justice and Public Safety) 58, rules suspended & SO 539, K (RC) 545-547
- HB 320-FN**, relative to leasing certain portions of railroad properties. (Leber, Merr 1; et al: Transportation)
- new title**: relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads. 58, rem 117, Ways & Means 138, am 685-686, psd 722, nonconc S am, conf 892, 911, rep adop 959, enr 975 (Chapter 234)

- HB 321-FN**, relative to certain construction projects in Rollinsford. (Rollo, Straf 10: Public Works and Highways)  
58, K 149
- HB 322-FN-L**, establishing a maximum per pupil amount for high school tuition contracts. (Gilman, Graf 1: Education)  
58, K 145
- HB 323-FN-L**, relative to eligibility for payment of medical insurance premiums for retired group I teachers. (Buckley, Hills 44: Executive Departments and Administration)  
58, K 186
- HB 324-FN**, relative to the classification of certain service of correctional line personnel as group II service and making an appropriation therefor. (Marshall Quandt, Rock 20; et al: Executive Departments and Administration)  
58, K 351
- HB 325-FN**, relative to certain acts of sexual assault. (O'Keefe, Rock 21; et al: Criminal Justice and Public Safety)  
58, rem 94, rcmt 106, psd 144, 173, Clerk's note 1023 (S Com)
- HB 326-FN-A**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)  
59, rem 117, am 136-138, psd 139, conc S am 891, enr 923, appointments 1028 (Chapter 177)
- HB 327-FN**, relative to review of final proposed rules under the administrative procedures act. (Pappas, Hills 48; et al: Executive Departments and Administration)  
59, K 245
- HB 328-FN-L**, relative to fees of sheriffs and deputy sheriffs. (Welch, Rock 18; et al: Judiciary)  
59, am & Finance 214-215, rules suspended & SO 539, 567, psd 581, 633, nonconc S am, conf 901, rep adop 959, enr 975 (Chapter 235)
- HB 329-FN-L**, relative to school safety. (Estabrook, Straf 8: Education)  
59, ret 1020
- HB 330-FN-L**, relative to meetings requested of municipal governing bodies. (B. Moore, Rock 21: Municipal and County Government)  
59, K 192
- HB 331-FN-L**, relative to payment of the medical insurance premium subsidy for a family plan for eligible retirees in the New Hampshire retirement system. (Whalley, Merr 5: Executive Departments and Administration)  
59, K 186
- HB 332-FN-L**, permitting emergency medical care providers to make death pronouncements, relative to payment of autopsy expenses, and eliminating a requirement for an investigation by the medical examiner. (Kacavas, Hills 37: Health, Human Services and Elderly Affairs)  
**new title:** relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.  
**2<sup>nd</sup> new title:** relative to resuscitation protocols for emergency medical care providers.  
59, am 206-207, psd 239, nonconc S am, conf 824, 889, rep adop 959, enr am 971, enr 975 (Chapter 236)
- HB 333-FN-A**, relative to the rate of the real estate transfer tax. (Mirski, Graf 12; et al: Ways and Means)  
59, K 166
- HB 334-FN-A**, adopting a single sales factor method of apportionment under the business profits tax. (Mercer, Hills 27; et al: Ways and Means)  
59, rules suspended 239, ret 1020

- HB 335-FN**, relative to the uniform fine schedule for motor vehicle violations. (Bruno, Hills 4: Transportation)  
59, K 101
- HB 336-FN-A**, making capital appropriations to the university system of New Hampshire. (J. Bradley, Carr 8; et al: Public Works and Highways)  
59, rules suspended 142, ret 1020
- HB 337-FN**, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission. (Thomas, Belk 3: Science, Technology and Energy)  
**new title:** relative to the administration of the public utilities commission, establishing the position of executive director of the public utilities commission, and relative to the position of assistant commissioner of the department of corrections.  
59, am & Exec Depts 163-164, psd 304, 372, nonconc S am, conf 901, 911, rep adop 960, enr 975 (Chapter 237)
- HB 338-FN-A**, increasing the rate of the meals and rooms tax. (Bickford, Straf 1; et al: Ways and Means)  
59, rem 241, K 290
- HB 339**, prohibiting the taking of deer by baiting. (Mock, Carr 3; et al: Fish and Game)  
59, rem 298, psd (RC) 366-368, 373, (SK)
- HB 340-FN**, requiring parental notification when a person under the age of 18 receives a penalty for a traffic law violation. (Burnham, Ches 8: Transportation)  
59, K 101
- HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system. (Marshall Quandt, Rock 20: Executive Departments and Administration)  
59, ret 1020
- HB 342-FN**, relative to the enforcement of applicable law and rules concerning contractors for appraisals of taxable property. (Nowe, Rock 3; et al: Municipal and County Government)  
59, ret 1020
- HB 343-FN-L**, relative to certain individuals taken into protective custody. (Allen, Ches 7: Criminal Justice and Public Safety)  
59, K 144
- HB 344-FN**, establishing a state office of privacy. (Kurk, Hills 5: Executive Departments and Administration)  
59, K 145
- HB 345**, requiring hospitals to maintain permanent medical records of stillborn infants. (Torresen, Carr 10: Health, Human Services & Elderly Affairs)  
59, K 160-161
- HB 346-FN**, relative to requirements for medical examination and determination of gainful occupation for group II retirees injured in the performance of duty. (M. Fuller Clark, Rock 36: Labor, Industrial and Rehabilitative Services)  
59, vac Exec Depts 177, rem 382, rules suspended & SO 511, 539, 567, 632, K 669
- HB 347-FN**, relative to terminal pay for certain state officials or employees. (Clegg, Hills 23: Labor, Industrial and Rehabilitative Services)  
59, psd 249, 293, conc S am 823, enr 920 (Chapter 109)

- HB 348-FN**, prohibiting the land application of sludge in certain excavation areas. (B. Hall, Hills 20; et al: Environment and Agriculture)  
**new title:** relative to suspending the issuance of any permits for the land application of sludge and short paper fiber in certain excavation areas.  
59, rules suspended & SO 539, 567, am & K (RC) 51-574
- HB 349-L**, relative to parental choice in public education. (Itse, Rock 11; et al: Education)  
60, K 243
- HB 350-FN**, relative to persons with disabilities participating in the work incentive program. (Batula, Hills 18; et al: Health, Human Services and Elderly Affairs)  
60, Finance 161, rules suspended & SO 539, 567, psd 582, 633, S conc 821, enr 910 (Chapter 67)
- HB 351-FN-A-L**, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. (Henderson, Rock 20: Finance)  
60, psd 160, 174, nonconc S am, conf (RC) 893-895, 911, (no report filed)
- HB 352**, limiting railroad liability for passenger rail service. (Bergin, Hills 16; et al: Judiciary)  
60, K 749-750
- HB 353-FN-A**, relative to diversified agricultural development, and making an appropriation therefor. (Robb, Sull 11; et al: Environment and Agriculture)  
60, am & Finance 200-201, ret 1020
- HB 354-FN-A-L**, extending the kindergarten construction program. (A. Pelletier, Straf 12; et al: Finance)  
60, rules suspended & SO 539, 567, am 582-583, psd 633, nonconc S am, conf 901, 911, S rej rep, rules suspended & new conf 953, rep adop 963, enr 975 (Chapter 287)
- HB 355**, relative to the contents of the department of education report on the condition of education statewide. (A. Pelletier, Straf 12; et al: Education)  
60, rem 241, K (RC) 287-290
- HB 356**, prohibiting persons convicted of any criminal offense or found guilty of violating any law governing gambling conducted by charitable organizations from participating in the conduct of lucky 7 or sale of lucky 7 tickets. (Pantelakos, Rock 30: Criminal Justice and Public Safety)  
60, K 144
- HB 357**, relative to periodic payments of judgments. (Babson, Carr 5: Judiciary)  
60, am 148, psd 174, nonconc S am, conf 912, 919, rep adop 960, enr 975 (Chapter 238)
- HB 358-FN**, relative to tolls on the Everett turnpike. (Milligan, Hills 18; et al: Public Works and Highways)  
60, LT (RC) 221-223, 1018
- HB 359-FN**, requiring data collected by state agencies to be analyzed relative to age and gender. (M. Fuller Clark, Rock 36: Executive Departments and Administration)  
60, K 187
- HB 360**, establishing terms for the offices of administrative judges of the courts. (Rowe, Hills 14: Judiciary)  
60, K 321
- HB 361**, establishing a committee to study certain policies and procedures in the department of corrections. (Rodd, Merr 3; et al: Criminal Justice and Public Safety)  
60, am 144, psd 173, conc S am 891, enr am 924, enr 967, appointments 1029 (Chapter 217)
- HB 362-FN**, regulating the practice of adjunctive therapy for animals. (Taylor, Straf 11; et al: Executive Departments and Administration)  
**new title:** relative to the practice of veterinary medicine.  
60, am 264, psd 293, S nonconc 890



- HB 363**, relative to buildings damaged or destroyed by arson. (Rowe, Hills 14: Criminal Justice and Public Safety)  
60, K 300
- HB 364s**, eliminating straight ticket voting. (Vaillancourt, Hills 44; et al: Election Law)  
60, rules suspended & SO 539, 563-564, K (RC) 568-571
- HB 365-L**, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes. (Sloan, Rock 12; et al: Municipal and County Government)  
60, rules suspended 238, ret 1020
- HB 366**, relative to antique former military vehicles. (Bishop, Rock 12; et al: Transportation)  
60, K 122
- HB 367-L**, relative to the establishment of a town forest in the town of Randolph. (P. Bradley, Coos 6; et al: Resources, Recreation and Development)  
**new title:** relative to the establishment of a town forest in the town of Randolph and relative to property of preexisting school districts.  
60, psd 150, 174, conc S am 751, enr 818 (Chapter 35)
- HB 368**, relative to the time for processing absentee ballots. (McRae, Hills 7: Election Law)  
60, K 302
- HB 369**, relative to driving in highway construction and maintenance areas. (Calawa, Hills 17: Transportation)  
**new title:** relative to driving in highway construction and maintenance areas and utility work areas.  
60, am 251-252, psd 293, conc S am 751, enr 818 (Chapter 36)
- HB 370**, relative to the regulation of the trapping by the fish and game department. (Scanlan, Graf 11; et al: Fish and Game)  
**new title:** relative to the regulation of trapping by the fish and game department.  
61, am 311, psd 373, S conc 772, enr am 821, enr 910 (Chapter 92)
- HB 371**, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant. (Dyer, Hills 8: Executive Departments and Administration)  
**new title:** relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant and relative to certain time periods for review by the joint legislative committee on administrative rules.  
61, am 119, psd 139, conc S am 776, enr 920, committee amended 1025 (Chapter 110)
- HB 372**, requiring prepaid home heating oil delivery companies to be bonded. (F. Davis, Merr 12; et al: Commerce)  
61, K 118
- HB 373**, relative to requirements for a private detective's license. (Bartlett, Belk 6; et al: Executive Departments and Administration)  
**new title:** relative to surety bonds for detective agencies and security services.  
61, am 408, psd 512, nonconc S am, conf 901, 911, conferee change 920, rep adop 960, enr 975 (Chapter 239)
- HB 374**, establishing a committee to study the assessment of surcharges on pay telephone use. (Pawlek, Graf 14: Science, Technology and Energy)  
**new title:** relative to surcharges on pay telephone use.  
61, am 151, psd 174, S conc 915, enr 967, committee amended 1026 (Chapter 218)

- HB 375**, making technical corrections in the tax laws. (Alukonis, Hills 23: Ways and Means)  
**new title:** relative to sources of funding an adequate education.  
 61, am (11 RCs) 686-721, psd 722, nonconc S am (2RCs) 902-906
- HB 376**, allowing county commissioners serving 4-year terms to vote at state party conventions. (Patten, Carr 9: Election Law)  
 61, am 302-303, psd 372, S conc 753, enr 818 (Chapter 37)
- HB 377**, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney. (Dokmo, Hills 14; et al: Judiciary)  
 61, psd 148, 174, S conc 634, enr am 753, enr 818 (Chapter 38)
- HB 378**, requiring organizations engaged in the conduct of charitable gambling to reserve at least 80 percent of the revenue for use within New Hampshire. (Pantelakos, Rock 30: Ways and Means)  
 61, ret 1020
- HB 379**, apportioning the executive council districts. (Chandler, Carr 1; et al: Election Law)  
 61, ret 1020
- HB 380**, apportioning county commissioner districts. (Chandler, Carr 1; et al: Election Law)  
 61, ret 1020
- HB 381**, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council. (Leishman, Hills 13: Municipal and County Government)  
 61, K 418-419
- HB 382**, relative to the office of the governor and the right-to-know law. (Wendelboe, Belk 2: Judiciary)  
 61, K 121
- HB 383**, making the state courts subject to the right-to-know law. (Wendelboe, Belk 2: Judiciary)  
 61, K 132
- HB 384**, relative to political expenditures. (Avery, Ches 8; et al: Election Law)  
 61, ret 1020
- HB 385**, changing the name, membership and duties of the office of volunteerism. (Peterson, Hills 8; et al: Executive Departments and Administration)  
 61, am 145-146, psd 173, nonconc S am, conf 914, 919, conferee change 920, rep adop 960, enr 975, appointments 1034 (Chapter 288)
- HB 386**, relative to the relocation of the principal residence of a child. (Robb, Sull 11; et al: Children and Family Law)  
 61, am 777, psd 816, Clerk's note 1024
- HB 387**, relative to the regulation of dentistry by the board of dental examiners. (Dyer, Hills 8: Executive Departments and Administration)  
 61, psd 408, 512, S conc 907, enr 923 (Chapter 178)
- HB 388**, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility. (Emerton, Hills 7: Health, Human Services & Elderly Affairs)  
 61, am 146-147, psd 173, conc S am 823, enr 920 (Chapter 111)
- HB 389**, establishing a committee to study the nursing home industry in New Hampshire. (Emerton, Hills 7; et al: Health, Human Services & Elderly Affairs)  
 61, psd 119, 139, (SK)
- HB 390**, relative to the Born-Alive Infants Protection Act. (Woods, Straf 11; et al: Health, Human Services & Elderly Affairs)  
**new title:** relative to the Live-Birth Infants Protection Act.  
 61, am (2 RCs) & protest 268-274, recon rej 292, psd 293, S conc 915, enr 967 (Chapter 219)

- HB 391**, establishing a commission to review the state's election laws and balloting procedures. (Sova, Graf 11; et al: Election Law)  
62, K 407
- HB 392**, establishing a committee to study the property tax status for land of agricultural fairs. (Thulander, Hills 6: Environment and Agriculture)  
62, rules suspended & SO 539, 567, rcmt 574-575, vac Municipal & County Government 735, ret 1020
- HB 393-FN**, relative to plant nurseries and nursery stock. (Melcher, Hills 11; et al: Environment and Agriculture)  
62, rules suspended & SO 539, 567, am 575, psd 633, S Com 820, Clerk's note 1023 (S Com)
- HB 394**, relative to short-term health insurance policies for certain persons. (Salts, Hills 41; et al: Commerce)  
62, am 385, psd 511, conc S am 775, enr 920 (Chapter 112)
- HB 395**, relative to the time for the first meeting for county conventions following election. (Patten, Carr 9: Municipal and County Government)  
62, am 192, psd 239, S conc 541, enr 722 (Chapter 26)
- HB 396**, relative to the practice of physicians and surgeons. (Pilliod, Belk 3; et al: Health, Human Services & Elderly Affairs)  
62, am 246, psd 293, conc S am 823, enr 920 (Chapter 113)
- HB 397**, establishing a committee to study the status of veterans in New Hampshire. (Heon, Straf 14; et al: State-Federal Relations and Veterans Affairs)  
62, psd 152, 174, S conc 634, enr 722, appointments 1029 (Chapter 27)
- HB 398**, relative to forest fire warden appointments and associated duties. (Palangas, Hills 41; et al: Municipal and County Government)  
62, K 419
- HB 399**, relative to proof of qualifications for voter registration. (Bruno, Hills 4; et al: Election Law)  
62, rules suspended & SO 539, am 564, psd 567, S conc 907, enr 923, veto sustained (RC) 1003-1006
- HB 400**, not introduced
- HB 401**, relative to the receipt of information from regional planning commissions by local land use boards. (Melcher, Hills 11; et al: Municipal and County Government)  
62, K 419
- HB 402**, relative to the establishment of a state universal service fund. (Thomas, Belk 3: Science, Technology and Energy)  
62, am 361-362, psd 373, rec rej (RC) 377-379, S conc 907, enr am 924, enr 967 (Chapter 220)
- HB 403**, relative to the effective date of special contracts for telephone utilities. (Thomas, Belk 3: Science, Technology and Energy)  
62, am 151-152, psd 174, S conc 772, enr 887 (Chapter 76)
- HB 404**, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors. (Taylor, Straf 11; et al: Commerce)  
62, rules suspended 238, ret 1020
- HB 405**, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. (D. White, Hills 25; et al: Children and Family Law)  
62, psd 154, 174, nonconc S am, conf 892, 911, rep adop 960, enr 975, appointments 1029 (Chapter 240)

- HB 406**, prohibiting electro-convulsive therapy on children under 16 years of age. (Albert, Straf 17; et al: Health, Human Services & Elderly Affairs)  
62, K 161
- HB 407**, establishing a committee to study the fair pricing of prescription drugs. (Proulx, Straf 12; et al: Commerce)  
62, K 143
- HB 408-FN**, relative to the regulation of nursing by the board of nursing. (Millham, Belk 4; et al: Executive Departments and Administration)  
62, am 265-268, psd 293, S conc 907, enr am 968, enr 970 (Chapter 241)
- HB 409**, relative to qualification for admission to the New Hampshire bar. (Phinizy, Sull 7; et al: Judiciary)  
63, ret 1020
- HB 410**, relative to the designation of a portion of the Merrimack river. (Calawa, Hills 17: Resources, Recreation and Development)  
63, K 150
- HB 411**, requiring that New Hampshire's presidential electors be bound to vote for the candidates of the party which nominated the electors. (Vaillancourt, Hills 44: Election Law)  
63, rem 298, rcmt 366, rules suspended & SO 539, K 564
- HB 412**, establishing a committee to study the granting of state franchise rights to providers of on-line education courses. (Peterson, Hills 8; et al: Education)  
**new title:** relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.  
**2<sup>nd</sup> new title:** requiring the public higher education study committee to study the feasibility of granting state franchise rights to providers of on-line education courses.  
63, am 405, psd 512, S conc 890, enr am 924-925, enr 967, committee amended 1026 (Chapter 221)
- HB 413**, relative to ownership of rail properties. (Calawa, Hills 17: Public Works and Highways)  
63, am 423-424, psd 512, S conc 819, enr 920 (Chapter 114)
- HB 414**, relative to the adoption of instream flow rules. (Calawa, Hills 17: Resources, Recreation and Development)  
63, ret 1020
- HB 415**, establishing a committee to study the use of state bond moneys to fund new high school construction. (Chalbeck, Rock 8; et al: Education)  
63, K 406
- HB 416**, relative to fire safety inspections for foster family homes. (Dowling, Rock 13: Children and Family Law)  
63, am 178, psd 239, S conc 772, enr 887 (Chapter 77)
- HB 417**, requiring bidders for state contracts to have completed a training program of the Occupational Safety and Health Administration. (Baroody, Hills 42; et al: Public Works and Highways)  
63, K 121
- HB 418**, relative to requirements for recounts. (Gilmore, Straf 11; et al: Election Law)  
63, rules suspended & SO 539, K 564
- HB 419**, apportioning delegates to state party conventions. (Chandler, Carr 1; et al: Election Law)  
63, ret 1020
- HB 420**, apportioning state representative districts. (Chandler, Carr 1; et al: Election Law)  
63, ret 1020



- HB 421**, establishing a committee to study the procedure for sale of lands purchased with state funds. (Leishman, Hills 13; et al: Public Works and Highways)  
63, K 149
- HB 422**, establishing a committee to study the prevention of unintended pregnancies. (M. Fuller Clark, Rock 36; et al: Children and Family Law)  
63, K 253
- HB 423**, relative to public utilities mergers. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
**new title:** relative to the sale of generation assets, the provision of transition service, and the funding of the energy efficiency program for Public Service Company of New Hampshire.  
63, rules suspended & SO 539, 567, 632, am & rcmt 637-642, ret 1020
- HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals. (Weyler, Rock 18; et al: Ways and Means)  
63, ret 1020
- HB 425-FN**, establishing a practical living skills course for certain high school pupils. (Arnold, Hills 20: Education)  
63, K 123
- HB 426**, relative to the voluntary scrapie flock certification program. (McRae, Hills 7: Environment and Agriculture)  
63, rules suspended 238, am 264, psd 293, nonconc S am, conf 892, 911, rep adop 960, enr 975 (Chapter 242)
- HB 427**, establishing a commission to study the taxation of trusts and the control of beneficiaries over trust management. (Weyler, Rock 18; et al: Ways and Means)  
63, ret 1020
- HB 428**, relative to claims against the state by certain victims of Judge John C. Fairbanks. (Mirski, Graf 12; et al: Finance)  
64, rem 241, K 290
- HB 429**, relative to dispute resolution within the context of public employee labor relations. (J. Kelley, Rock 22; et al: Labor, Industrial and Rehabilitative Services)  
64, rem 298, am (RC) 369-372, psd 373, recon rej (RC) 379-382, (SK)
- HB 430**, establishing a commission to study the feasibility of implementing a computerized voter registration system. (Sova, Graf 11; et al: Election Law)  
64, K 407
- HB 431**, establishing a committee to study the proceeds from the sale of tax-deeded property. (Thulander, Hills 6: Municipal and County Government)  
64, K 192-193
- HB 432**, relative to the limit on appropriations to the capital reserve fund of a county. (McGuirk, Ches 1: Municipal and County Government)  
64, ret 1020
- HB 433**, clarifying the duties of the oversight committee on health and human services. (Emerton, Hills 7; et al: Health, Human Services & Elderly Affairs)  
64, psd 97, 110, conc S am 751, enr 818, committee amended 1026 (Chapter 39)
- HB 434**, relative to persons who die in nursing homes. (Brennan, Straf 16; et al: Health, Human Services & Elderly Affairs)  
64, rem 117, K 138

- HB 435**, relative to assessment of service charges by municipalities and counties that accept credit cards for payment of local taxes, utility charges, or other fees. (N. Kaen, Straf 7; et al: Municipal and County Government)  
64, am 419, psd 512, S conc 772, enr 887 (Chapter 78)
- HB 436**, eliminating nomination of a party by nomination papers. (Buckley, Hills 44; et al: Election Law)  
64, rules suspended & SO 539, rcmt 564, ret 1020
- HB 437-FN**, relative to certain changes to the child pornography statutes. (Itse, Rock 11; et al: Criminal Justice and Public Safety)  
64, K 144-145
- HB 438-FN**, relative to the sale of dogs and cats. (Corbin, Rock 9; et al: Executive Departments and Administration)  
64, K 187
- HB 439-FN-A**, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Røckingham and Strafford county area. (Philbrick, Carr 4; et al: Municipal and County Government)  
64, rules suspended 239, ret 1020
- HB 440**, relative to the establishment of instream flows. (Cooney, Rock 26: Resources, Recreation and Development)  
64, K 425
- HB 441**, relative to qualifications of candidates. (Clemons, Hills 31; et al: Election Law)  
64, K 407
- HB 442**, establishing a study committee to examine the effects of protective custody on county correctional facilities. (Welch, Rock 18: Municipal and County Government)  
**new title:** establishing a study committee to examine the effects of protective custody on county correctional facilities and relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.  
64, psd 193, 239, conc S am 891, enr 920, appointments 1029 (Chapter 93)
- HB 443**, relative to a 20-year state comprehensive energy plan. (Norelli, Rock 31; et al: Science, Technology and Energy)  
**new title:** relative to a state energy plan.  
**2<sup>nd</sup> new title:** relative to a state energy plan and relative to road toll fees for vehicles powered by alternate energy sources.  
64, rules suspended & SO 539, 567, 632, am 642-644, psd 722, conc S am 870, enr 920 (Chapter 121)
- HB 444**, relative to mental health services and records. (Case, Rock 2; et al: Judiciary)  
64, am 321-322, psd 373, nonconc S am, conf 912, 919, rep adop 960, enr 975 (Chapter 243)
- HB 445**, relative to hunting in the town of Bow. (Anderson, Merr 7: Fish and Game)  
64, K 311
- HB 446**, relative to spousal and child support enforcement. (Bickford, Straf 1: Children and Family Law)  
64, am 298-299, psd 372, S conc 915, enr 967 (Chapter 222)
- HB 447**, relative to the establishment of parenting plans in certain domestic cases. (Bickford, Straf 1: Children and Family Law)  
64, ret 1020

- HB 448**, relative to procedures for crews and provision of counseling services following a railway accident. (Baroody, Hills 42; et al: Labor, Industrial and Rehabilitative Services)  
64, am 249-250, psd 293, S Com 772, Clerk's note 1023 (S Com)
- HB 449**, relative to access to adoption records. (J. Wood, Belk 7; et al: Children and Family Law)  
64, ret 1020
- HB 450**, relative to work product under the right-to-know law. (Whalley, Merr 5; et al Judiciary)  
**new title:** relative to certain work product under the right-to-know-law.  
**2<sup>nd</sup> new title:** relative to certain work product and relative to attorneys' fees under the right-to-know law.  
**3<sup>rd</sup> new title:** relative to work product and relative to attorneys' fees under the right-to-know law.  
64, rules suspended & SO 539, 567, am 599, psd 633, nonconc S am, conf 901, 911, rep adop 960, enr 975 (Chapter 289)
- HB 451**, establishing a commission to study the impact of pay and benefits for child care workers on the quality of care and education for children. (Pilliod, Belk 3; et al: Children and Family Law)  
**new title:** establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.  
64, am 533-535, psd 540, nonconc S am, conf 892, 911, rep adop 960, enr am 972, enr 975, appointments 1029 (Chapter 244)
- HB 452**, establishing a committee to study the reimbursement for expenses of legislators. (Brennan, Straf 16; et al: Legislative Administration)  
64, rules suspended & SO 539, 567, psd 605, 633, S conc 772, enr 819, appointments 1029 (Chapter 59)
- HB 453**, establishing a 4-year term for the commissioner of the department of corrections. (Burling, Sull 1: Executive Departments and Administration)  
64, psd 245, 293, S conc 907, enr 923 (Chapter 179)
- HB 454**, relative to same-sex civil unions contracted outside of the state of New Hampshire. (Itse, Rock 11; et al: Children and Family Law)  
65, K (RC) 253-256, motion to print remarks rej 292
- HB 455**, relative to personal flotation devices. (Holbrook, Belk 7: Resources, Recreation and Development)  
65, K 426
- HB 456**, relative to automobile insurance for teenage drivers. (J. Bradley, Carr 8; et al: Transportation)  
65, K 428
- HB 457-FN**, establishing a process for reviewing judges. (L. Christiansen, et al: Judiciary)  
65, K 189
- HB 458-FN-L**, establishing a defined contribution retirement option in the New Hampshire retirement system. (Sapareto, Rock 13: Executive Departments and Administration)  
65, K 305
- HB 459-FN**, relative to inspection requirements for antique vehicles. (Artz, Hills 34; et al: Transportation)  
65, am 252, psd 293, conc S am 823, enr 920 (Chapter 115)
- HB 460-FN**, relative to the form of drivers' licenses. (Dickinson, Carr 2; et al: Transportation)  
65, K 154
- HB 461-FN**, requiring all officers and officials elected by either or both houses of the legislature to file certain reports and register as political committees. (DiFruscia, Rock 27; et al: Election Law)  
65, rules suspended & SO 539, K 565

- HB 462-FN**, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members. (Emerton, Hills 7: Executive Departments and Administration)  
65, ret 1020
- HB 463-FN**, relative to protective services to adults. (Manning, Ches 9; et al: Health, Human Services & Elderly Affairs)  
65, rcmt 161, rules suspended 238, rules suspended & SO 539, 567, am 586-587, psd 633, Clerk's note 1024 (S Com)
- HB 464**, encouraging all state departments to improve efficiencies with the goal of a 25 percent budget reduction, adjusted for inflation, by 2005. (Splaine, Rock 34: Executive Departments and Administration)  
65, K 409
- HB 465**, relative to the admission to practice law and to bar association membership for attorneys. (Mirski, Graf 12; et al: Judiciary)  
65, ret 1020
- HB 466**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases. (Wall, Straf 9; et al: Judiciary)  
65, am 322, psd 373, S Com 915, Clerk's note 1024 (S Com)
- HB 467**, relative to a term for the chief justice of the supreme court. (L. Jean, Hills 17; et al: Judiciary)  
65, K 322
- HB 468**, relative to declaration of party affiliation in primary voting. (Herman, Hills 13: Election Law)  
65, rules suspended & SO 539, K 565
- HB 469-FN-L**, relative to the applicable minimum wage for hourly employees. (Norelli, Rock 31; et al: Labor, Industrial and Rehabilitative Services)  
65, rules suspended & SO 539, 567, K (RC) & protest 602-605, recon notice 633, recon & am (3RCs) 726-734, psd 751, S nonconc 890
- HB 470**, relative to caller identification requirements for persons engaged in telephone solicitation. (R. L'Heureux, Hills 18; et al: Commerce)  
65, ret 1020
- HB 471-FN**, relative to fish and game licenses issued to resident and nonresident minors. (R. L'Heureux, Hills 18; et al: Fish and Game)  
**new title**: relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons.  
66, am 311-312, psd 373, S conc 821, enr am 917, enr 923 (Chapter 180)
- HB 472**, requiring that land transferred to the White Mountain National Forest and the Silvio O. Conte National Fish and Wildlife Refuge include a covenant granting access to the citizens of New Hampshire. (Gilman, Graf 1; et al: Resources, Recreation and Development)  
66, ret 1020
- HB 473-FN**, authorizing the department of safety to issue special amateur radio operator plates. (Rosen, Belk 7; et al: Transportation)  
66, rules suspended & SO 237-238, K 282
- HB 474-FN**, relative to motor vehicle plates for firefighters and emergency medical care providers. (Phinizy, Sull 7; et al: Transportation)  
66, rules suspended & SO 237-238, K 282
- HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. (Sargent, Hills 3; et al: Criminal Justice and Public Safety)  
66, am 243, psd 292, nonconc S am, conf 912, 919, conferee change 920, rep adop 960, enr 970, appointments 1029-1030 (Chapter 245)



- HB 476**, relative to the definition of a campsite. (Hunt, Ches 10; et al: Resources, Recreation and Development)  
66, ret 1020
- HB 477-FN**, relative to supplemental allowances for certain retired group 1 members of the New Hampshire retirement system. (Dyer, Hills 8; et al: Executive Departments and Administration)  
66, am 409, psd 512, conc S am 887, enr 920 (Chapter 116)
- HB 478**, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations. (Clegg, Hills 23; et al: Election Law)  
66, SO 845-846, LT 855-859, 1018
- HB 479**, relative to dead bodies. (Dickinson, Carr 2; et al: Health, Human Services and Elderly Affairs)  
66, am 147-148, psd 174, S nonconc 634
- HB 480**, relative to the divisions within the department of resources and economic development. (Dickinson, Carr 2; et al: Resources, Recreation and Development)  
66, am 150, psd 174, S conc 541, enr 722 (Chapter 28)
- HB 481**, relative to access to certain communications common carrier records. (Knowles, Straf 11: Criminal Justice and Public Safety)  
66, am 404, psd 511, S conc 901, enr 923 (Chapter 181)
- HB 482**, relative to airport zoning. (Milligan, Hills 18; et al: Municipal and County Government)  
66, psd 323, 373, S conc 753, enr 818 (Chapter 40)
- HB 483**, repealing the Uniform Aircraft Financial Responsibility Act. (Milligan, Hills 18; et al: Executive Departments and Administration)  
66, ret 1020
- HB 484**, relative to disclosure of presidential election results. (Batchelder, Ches 2: Election Law)  
66, K 303
- HB 485**, relative to physicians employed by hospitals. (Marshall Quandt, Rock 20; et al: Health, Human Services and Elderly Affairs)  
66, am 161-162, psd 174, S Com 820, Clerk's note 1024 (S Com)
- HB 486**, relative to vocational education alternatives for public school pupils. (Tahir, Hills 38; et al: Education)  
66, K 145
- HB 487**, establishing a committee to study safety issues relating to the transportation of kindergarten students. (Grassie, Straf 19; et al: Education)  
66, K 145
- HB 488**, relative to the confidentiality of patient prescription records. (Taylor, Straf 11; et al: Commerce)  
**new title:** establishing a task force to study certain issues regarding privacy.  
66, am 537-538, psd 540, nonconc S am, conf 900, S rej conf req 915
- HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
**new title:** relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service.  
**2<sup>nd</sup> new title:** relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service and the sale of generation assets by Public Service Company of New Hampshire.  
66, am 362-365, psd 373, conc S am 539, enr am 723, enr 725 (Chapter 29)

- HB 490**, requiring public access to law libraries. (Woods, Straf 11; et al: Judiciary)  
66, K 768
- HB 491**, establishing a procedure for zoning boards of adjustment to give notice of violation of zoning ordinances. (Rowe, Hills 14: Municipal and County Government)  
66, K 323
- HB 492**, requiring a clear statement of which justices rendered each supreme court order or opinion. (P. Woods, Straf 11; et al: Judiciary)  
66, K 415
- HB 493**, relative to exemptions from the New Hampshire real estate practice act and relative to the definition of a short term rental. (Chandler, Carr 1: Executive Departments and Administration)  
**new title:** exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act.  
66, am 305, psd 372, S conc 907, enr 923 (Chapter 182)
- HB 494**, establishing a committee to study the permitting and hearing processes for proposed highways. (E. Smith, Ches 6; et al: Public Works and Highways)  
66, ret 1020
- HB 495**, relative to judicially appointed officials. (Soltani, Merr 10; et al: Judiciary)  
67, rem 382, rules suspended & SO 511, 539, 632, am 673, psd 722, S Com 915, Clerk's note 1024 (S Com)
- HB 496**, establishing a committee to study the method by which low-digit license plates are issued by the department of safety and any alternatives to the presently-used method. (Soltani, Merr 10; et al: Transportation)  
67, K (RC) 282-285
- HB 497**, prohibiting banks from charging customers fees for accessing funds from their own accounts. (A. Pelletier, Straf 12: Commerce)  
67, K 299-300
- HB 498**, relative to standards for records filed with a registry of deeds. (Patten, Carr 9: Municipal and County Government)  
67, am 741-742, psd 752, Clerk's note 1024
- HB 499**, making state-appointed advisory committees subject to the right-to-know law. (Hager, Merr 18: Judiciary)  
67, am 247-248, psd 293, conc S am 823, enr 967 (Chapter 223)
- HB 500**, not introduced
- HB 501**, relative to licensure of foster homes and the duties of the department of health and human services advisory board. (Dowling, Rock 13: Children and Family Law)  
67, am 299, psd 372, conc S am 775, enr 920 (Chapter 117)
- HB 502**, establishing a state government reorganization task force. (Splaine, Rock 34: Executive Departments and Administration)  
67, K 409
- HB 503**, relative to incompatible offices. (Bruno, Hills 4: Election Law)  
67, rules suspended & SO 539, psd 565-567, S conc 907, enr 923, veto sustained (RC) 1006-1009
- HB 504**, establishing a committee to study the feasibility of requesting the fish and game department to develop shooting ranges in each of the wildlife management units. (Bruno, Hills 4: Fish and Game)  
67, psd 188, 239, S nonconc 634

- HB 505**, limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others. (Bruno, Hills 4: Judiciary)  
67, rules suspended & SO 539, 567, K 599-600
- HB 506**, prohibiting the granting of certain variances from zoning ordinances. (Melcher, Hills 11: Municipal and County Government)  
67, ret 1020
- HB 507**, opening hearings in abuse and neglect cases to members of the general court and to certain other persons. (Bickford, Straf 1: Children and Family Law)  
67, ret 1020
- HB 508**, relative to third party contact in orders of protection from domestic violence. (Bickford, Straf 1: Criminal Justice and Public Safety)  
67, K 180
- HB 509**, establishing a limitation on the renewal of spousal support orders. (Bickford, Straf 1; et al: Children and Family Law)  
**new title:** establishing a statute of limitations on spousal support orders.  
67, am 383-384, psd 511, nonconc S am, conf 912, 919, rep adop 960, enr am 972, enr 975 (Chapter 246)
- HB 510**, establishing a commission to assess increasing government efficiency through the expansion of interstate computer networks. (Lovett, Graf 6; et al: Executive Departments and Administration)  
67, K 409
- HB 511**, relative to continuing medical education requirements for physicians. (Pilliod, Belk 3: Executive Departments and Administration)  
67, am 409-410, psd 512, S conc 907, enr 923 (Chapter 183)
- HB 512**, relative to off-site improvements imposed on applicants to a planning board. (Dokmo, Hills 14; et al: Municipal and County Government)  
67, am 420-421, psd 512, Clerk's note 1024 (S Com)
- HB 513**, establishing a committee to study the disposition of revenue from fines for violations of the motor vehicle laws. (Lasky, Hills 33; et al: Transportation)  
67, K 285
- HB 514**, relative to uniform prescription drug information cards. (Taylor, Straf 11; et al: Commerce)  
67, ret 1020
- HB 515-FN-L**, establishing parental choice scholarships. (Cox, Rock 24; et al: Education)  
67, SO 197, rules suspended and SO 237-238, Finance (RC) 337-340, ret 1020
- HB 516**, relative to requirements for bidders on public construction projects. (Heon, Straf 14; et al: Public Works and Highways)  
67, K 251
- HB 517-L**, relative to supply of water by village districts. (Chandler, Carr 1: Municipal and County Government)  
67, am 834-835, psd 888, Clerk's note 1024
- HB 518**, relative to increases of motor vehicle policy premiums because a person reaches a certain age. (Dickinson, Carr 2: Commerce)  
67, K 385
- HB 519**, relative to the ballot law commission. (Flanagan, Rock 14: Election Law)  
67, ret 1021

- HB 520**, relative to clarifying qualifications of candidates. (Kennedy, Merr 7: Election Law)  
67, rules suspended & SO 539, am 565-566, psd 567, S concur 819, enr 920 (Chapter 118)
- HB 521**, relative to an exception for hunter safety instruction to negligent storage of firearms.  
(Kennedy, Merr 7: Criminal Justice and Public Safety)  
67, K 300
- HB 522-L**, establishing discretionary preservation easements for preserving historic agricultural structures. (Babson, Carr 5; et al: Municipal and County Government)  
67, am 835-836, psd 888, Clerk's note 1024
- HB 523**, establishing a commission to investigate the possibility of setting up a division of hearings within the department of justice. (Sova, Graf 11: Executive Departments and Administration)  
**new title:** relative to filing fees and legislative approval of certain settlements by the attorney generals.  
68, am & Ways & Means 305-306, psd 782-817, Clerk's note 1024
- HB 524**, relative to unfair insurance trade practices. (Francoeur, Rock 22; et al: Commerce)  
68, ret 1021
- HB 525**, relative to property and casualty insurance. (Francoeur, Rock 22; et al: Commerce)  
68, am 385-386, psd 511, conc S am 823, enr 967 (Chapter 224)
- HB 526**, establishing a committee to study recodification of the motor vehicle insurance laws.  
(L. Christiansen, Hills 23; et al: Commerce)  
68, K 386
- HB 527**, relative to limitations on membership of local land use boards. (Splaine, Rock 34: Municipal and County Government)  
68, K 421
- HB 528**, relative to rental vehicle insurance disclosure. (Splaine, Rock 34: Commerce)  
68, K 300
- HB 529**, relative to advertisements for sweepstakes and gambling. (Splaine, Rock 34: Commerce)  
68, rem 298, K 365
- HB 530**, relative to the grounds for termination of the parent-child relationship. (Albert, Straf 17; et al: Children and Family Law)  
68, K (RC) 323-326
- HB 531**, establishing a committee to study ballot reform. (Weed, Ches 19; et al: Election Law)  
68, K 303
- HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines. (M. Fuller Clark, Rock 36; et al: Health, Human Services and Elderly Affairs)  
68, psd 148, 174, conc S am 756, enr am 821, enr 910, appointments 1030 (Chapter 94)
- HB 533-FN**, relative to disqualification of judges. (Rice, Belk 7; et al: Judiciary)  
68, K 415
- HB 534**, relative to "salvage" motor vehicles. (Langley, Rock 24; et al: Commerce)  
68, am 386-387, psd 511, S conc 819, enr 920 (Chapter 119)
- HB 535-FN-A**, relative to thermal imaging cameras for fire departments, and making an appropriation therefor. (Hill, Rock 29: Municipal and County Government)  
68, K 193
- HB 536-FN-A-L**, making an appropriation to the town of Conway for the purpose of burying utility lines. (Dickinson, Carr 2; et al: Finance)  
68, K 160



- HB 537-FN-A**, relative to a dedicated revenue source for the land and community heritage investment program and the state's travel and tourism promotion and development effort. (M. Fuller Clark, Rock 36; et al: Resources, Recreation and Development)  
**new title:** relative to the land and community heritage investment program and the state's travel and tourism promotion and development effort and making appropriations therefor.  
 69, am & Finance (2 RCs) 223-231, rules suspended & SO 539, 567, K 583
- HB 538-FN**, requiring photographs on walking disability placards. (Fesh, Rock 13; et al: Health, Human Services and Elderly Affairs)  
 69, K 207
- HB 539-FN-A**, creating certain positions within the division of forests and lands and making an appropriation therefor. (Scanlan, Graf 11; et al: Resources, Recreation and Development)  
 69, am & Finance 231, K 413
- HB 540-FN-A**, relative to prescription benefit management companies and continually appropriating a special fund. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)  
 69, K (RC) 207-210
- HB 541-FN**, requiring certain hospitals to provide charity care and continually appropriating a special fund. (Wendelboe, Belk 2: Commerce)  
 69, rules suspended 238, ret 1021
- HB 542-FN**, requiring cellular telephone carriers to notify customers before the service is disconnected. (Kennedy, Merr 7: Commerce)  
 69, K 179
- HB 543-FN**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. (Leber, Merr 1; et al: Public Works and Highways)  
 69, rules suspended & SO 539, 567, am (RC) 606-632, psd 633, nonconc S am, conf 912, 919, rep adop 960, enr am 972-973, enr 975, committee repealed and reenacted, committee amended 1026 (Chapter 290)
- HB 544-FN**, relative to reporting by candidates of independent expenditures. (Splaine, Rock 34: Election Law)  
 69, ret 1021
- HB 545-FN**, establishing the railroad trespass prevention act. (G. Katsakiores, Rock 13; et al: Criminal Justice and Public Safety)  
 69, rcmt 154, rules suspended & SO 539, am & K (RC) 547-551
- HB 546-FN-A-L**, relative to allowing cities and towns to permit slot machines and other games of chance. (DiFruscia, Rock 27; et al: Municipal and County Government)  
 69, rem 178, rules suspended & SO 237-238, K (RC) 276-279
- HB 547-FN**, authorizing participation in a regional electronic toll collection system. (E. Smith, Ches 6; et al: Public Works and Highways)  
 69, am & Finance 223, am 413-414, psd 512, S conc 907, enr am 968, enr 975 (Chapter 247)
- HB 548-FN-A**, relative to the powers and duties of the office of the attorney general. (Dyer, Hills 8; et al: Executive Departments and Administration)  
 69, K 187
- HB 549-FN-L**, relative to procedures of the department of revenue administration concerning the reassessment of property. (Patten, Carr 9: Municipal and County Government)  
 69, ret 1021
- HB 550-FN**, relative to remedies under the right-to-know law. (Marshall Quandt, Rock 20: Judiciary)  
**new title:** relative to destruction of information.  
 69, am, rules suspended & Criminal Justice & Public Safety 275, rem 756, am 768-769, psd 770, Clerk's note 1024

- HB 551-FN**, establishing a homestead exemption from the education property tax. (Corbin, Rock 9; et al: Ways and Means)  
69, K 431
- HB 552-FN-A-L**, restructuring the delivery of a public elementary and secondary education and related educational services in New Hampshire. (Dodge, Rock 4: Education)  
69, rem 178, rules suspended & SO 237-238, K 260
- HB 553-FN-L**, requiring background checks for nursing home employees. (Downing, Rock 26; et al: Health, Human Services and Elderly Affairs)  
69, am 246-247, psd 293, S Com 820, Clerk's note 1024 (S Com)
- HB 554-FN**, establishing a division of information technology within the department of safety. (Welch, Rock 18; et al: Executive Departments and Administration)  
69, am 306, psd 372, conc S am 892, enr am 925, enr 967 (Chapter 225)
- HB 555-FN-L**, relative to the billing of counties for certain expenses by the department of health and human services. (Alger, Graf 9; et al: Municipal and County Government)  
**new title:** relative to the billing of counties for certain expenses by the department of health and human service and relative to costs of certain juvenile placements.  
70, am & Finance 193-194, am 870-872, psd 888, Clerk's note 1024
- HB 556-FN-A**, making certain appropriations to the department of cultural resources and the department of safety. (Robb, Sull 11; et al: Resources, Recreation and Development)  
70, ret 1021
- HB 557-FN-A**, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video game players, and video movie players. (Knowles, Straf 11: Criminal Justice and Public Safety)  
70, rules suspended 238, ret 1021
- HB 558-FN-A-L**, increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment. (McGuirk, Ches 1: Ways and Means)  
70, ret 1021
- HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders. (Bickford, Straf 1; et al: Children and Family Law)  
70, ret 1021
- HB 560-FN-A**, establishing a contributory judicial retirement plan. (Kurk, Hills 5; et al: Executive Departments and Administration)  
70, am & Finance 201-202, ret 1021
- HB 561-FN-A**, abolishing tolls along state highways and increasing the gasoline tax. (Arnold, Hills 20; et al: Public Works and Highways)  
70, K 149-150
- HB 562-FN-A-L**, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding. (Bergin, Hills 16; et al: Ways and Means)  
70, rules suspended 239, rem 382, rules suspended & SO 511, 539, 567, 632, LT (RC) 677-680, 1018
- HB 563**, requiring drivers to carry automobile insurance and permitting drivers to choose the amount of uninsured motorist insurance that they carry. (Arnold, Hills 20; et al: Commerce)  
70, rem 241, K 287
- HB 564**, requiring insurance coverage for certified midwives. (Rabideau, Rock 16; et al: Commerce)  
70, K 538

- HB 565-FN**, relative to liability for providing alcoholic beverages to minors. (Avery, Ches 8; et al: Criminal Justice and Public Safety)  
70, ret 1021
- HB 566**, establishing terms for the offices of administrative judges of the courts. (Wall, Straf 9; et al: Judiciary)  
71, ret 1021
- HB 567-FN-L**, granting female inmates access to certain rehabilitation related programs. (Pilliod, Belk 3: Criminal Justice and Public Safety)  
71, ret 1021
- HB 568**, relative to appointment requirements for judges. (Rice, Belk 7; et al: Judiciary)  
71, K 415
- HB 569**, establishing a committee to study the education of family caregivers in New Hampshire. (Emerton, Hills 7; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire.  
71, am 317, psd 373, conc S am 756, enr 819, appointments 1030 (Chapter 60)
- HB 570-FN**, relative to the unemployment compensation law. (Clegg, Hills 23; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to the unemployment compensation law and creating a dedicated fund for the job training program for economic growth and making certain changes to the program.  
71, psd 250, 293, conc S am 823, enr 920, appointments 1035 (Chapter 133)
- HB 571**, establishing a commission to study the feasibility of creating a statewide land value assessment system for the purpose of creating a revenue source for funding education. (G. Katsakiores, Rock 13: Ways and Means)  
71, K 252
- HB 572**, relative to vacancies for office on a party ticket. (Dickinson, Carr 2; et al: Election Law)  
71, K 408
- HB 573**, relative to the role of advanced registered nurse practitioners in the state mental health services system. (Bickford, Straf 1; et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to the role of certain advanced registered nurse practitioners in the state mental health services system.  
71, am 318-319, psd 373, S conc 819, enr am 917, enr 923 (Chapter 184)
- HB 574**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law. (Dickinson, Carr 2; et al: Legislative Administration)  
71, rules suspended & SO 539, 567, psd 605, 633, S conc 772, enr 819, appointments 1030 (Chapter 61)
- HB 575**, relative to absentee voter affidavits. (Dickinson, Carr 2; et al: Election Law)  
71, K 303
- HB 576**, establishing a committee to study the manner in which certain drugs are prescribed to children with behavior disorders. (Grassie, Straf 19; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.  
71, am 319-320, psd 373, S nonconc 819
- HB 577**, relative to credit data for insurance purposes. (Dickinson, Carr 2; et al: Commerce)  
71, K 179

- HB 578**, relative to requirements for nonpublic utility providers of telephone services. (Estabrook, Straf 8; et al: Science, Technology and Energy)  
**new title:** relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.  
 71, am 426-427, psd 512, nonconc S am, conf 912, 919, rep adop 960, enr 975 (Chapter 248)
- HB 579**, relative to nominating a political organization by nomination papers. (Stritch, Rock 5: Election Law)  
 71, rules suspended & SO 539, psd 566, 567, S conc 819, enr am 917-918, enr 923 (Chapter 185)
- HB 580**, requiring health insurance carriers to provide loss information to large employers on a quarterly basis. (Stone, Rock 7; et al: Commerce)  
**new title:** requiring health insurance carriers to provide loss information to large employers at least once every 6 months.  
 71, am 387, psd 511, conc S am 823, enr 920 (Chapter 120)
- HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species. (Bruno, Hills 4; et al: Environment and Agriculture)  
 71, rules suspended & SO 539, SO 567, rcmt 575, ret 1021
- HB 582**, establishing a judicial nominating commission. (Bergin, Hills 16; et al: Judiciary)  
 71, ret 1021
- HB 583**, making certain changes to the underground utility damage prevention system. (Thomas, Belk 3: Science, Technology and Energy)  
 71, rem 143, am 167-168, psd 174, S conc 907, enr 923 (Chapter 186)
- HB 584-FN-A**, relative to the registration and licensure of OHRV dealers and rental agents. (Letourneau, Rock 13; et al: Transportation)  
 71, rules suspended & SO 237-238, am & Exec Depts 285-286, am 410, psd 512, S conc 907, enr am 925, enr 967 (Chapter 226)
- HB 585**, relative to the membership and duties of the council on resources and development. (Musler, Straf 6: Executive Departments and Administration)  
 71, am 245, psd 293, nonconc S am, conf 776, 889, rep adop 960, enr am 973, enr 975 (Chapter 249)
- HB 586**, excluding stepchildren from the definition of “child” in the context of support orders. (Bickford, Straf 1: Children and Family Law)  
 71, ret 1021
- HB 587-FN-A**, establishing a commission on the status of men, and making an appropriation therefor. (Bickford, Straf 1; et al: Executive Departments and Administration)  
**new title:** establishing a commission on the status of men.  
 71, am & Finance (RC) 202-205, rules suspended & SO 539, 567, rcmt 583, am 744, psd 752, Clerk’s note 1024
- HB 588**, relative to examination of persons called as jurors. (Dokmo, Hills 14; et al: Judiciary)  
 71, am 415-416, psd 512, nonconc S am, conf 913, 919, S rej rep, rules suspended & new conf 959, rep adop 964, enr 970, appointments 1030 (Chapter 250)
- HB 589**, relative to eligibility for unemployment benefits for part-time workers. (L. Fraser, Merr 9; et al: Labor, Industrial and Rehabilitative Services)  
 71, ret 1021
- HB 590**, relative to access to motor vehicle records by insurance companies. (L. Fraser, Merr 9: Transportation)  
**new title:** permitting life insurance companies access to certain motor vehicle records.  
 71, rules suspended & SO 539, 567, 632, am 651, psd 722, S conc 819, enr 920 (Chapter 134)



- HB 591**, relative to certain prescription discount cards. (Taylor, Straf 11; et al: Commerce)  
72, am 387-388, psd 511, conc S am 823, enr 920 (Chapter 135)
- HB 592-FN-A**, relative to a milfoil prevention and research grant program and fund. (French, Merr 3; et al: Resources, Recreation and Development)  
**new title:** relative to a milfoil and other exotic plants prevention and research grant program and fund.  
72, am & Ways & Means 231-233, rcmt (RC) 880-884, ret 1021
- HB 593**, requiring that bingo and lucky 7 distributors only distribute bingo and lucky 7 supplies to recipients licensed to conduct bingo games or lucky 7. (Pantelakos, Rock 30: Commerce)  
72, K 300
- HB 594**, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors. (Gile, Merr 16; et al: Education)  
72, psd 243-293, S conc 772, enr 819, appointments 1030 (Chapter 62)
- HB 595**, relative to single producer licensing. (Francoeur, Rock 22; et al: Commerce)  
72, am 538-539, psd 540, S conc 772, enr am 821, enr 910 (Chapter 95)
- HB 596**, relative to the acquisition of land by a town. (R. L'Heureux, Hills 18; et al: Municipal and County Government)  
72, rem 382, rules suspended & SO 511, 539, 567, 632, am 676-677, psd 722, S conc 907, enr 923 (Chapter 187)
- HB 597**, relative to the duties of inspectors of elections. (B. Hall, Hills 20; et al: Election Law)  
72, K 303
- HB 598**, adding the New Hampshire housing finance authority to the council on resources and development. (M. Fuller Clark, Rock 36: Executive Departments and Administration)  
72, K 246
- HB 599-FN**, relative to unlawful possession of alcohol by a minor. (Rodeschin, Sull 4; et al: Children and Family Law)  
72, ret 1021
- HB 600**, not introduced
- HB 601-FN-A-L**, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state. (Scanlan, Graf 11; et al: Municipal and County Government)  
72, rules suspended 239, ret 1021
- HB 602-FN**, relative to the sale of fetal body parts. (Souza, Hills 40; et al: Criminal Justice and Public Safety)  
72, rules suspended & SO 539, K (RC) 551-553
- HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. (Stone, Rock 7; et al: Executive Departments and Administration)  
72, Finance 187, rules suspended & SO 539, 567, psd 583, 633, nonconc S am, conf 901, 911, conferee change 921, rep adop 960, enr 975 (Chapter 251)
- HB 604-FN**, relative to increasing certain fees and making other changes to fish and game licenses. (Stone, Rock 7; et al: Fish and Game)  
72, rules suspended 142, am & Ways & Means 312-316, rules suspended & SO 539, 567, 632, psd 652-653, 722, conc S am 891, enr am 973-974, enr 975 (Chapter 252)
- HB 605-FN**, prohibiting televised advertisements of lottery games and prohibiting self-serve lottery game vending machines. (R. Cooney, Rock 26; et al: Commerce)  
72, K 300

- HB 606-FN**, relative to the Christa McAuliffe planetarium. (Gilmore, Straf 11; et al: Executive Departments and Administration)  
72, am 187-188, psd 239, S conc 821, enr 920, appointments 1033-1034 (Chapter 136)
- HB 607-FN-L**, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. (Phinizy, Sull 7; et al: Municipal and County Government)  
73, rules suspended & SO 539, 567, rcmt 606, ret 1021
- HB 608-FN**, establishing a judicial ethics advisory committee. (Bergin, Hills 16; et al: Judiciary)  
73, ret 1021
- HB 609-FN-L**, requiring passengers on school buses to wear seat belts. (McRae, Hills 7; et al: Transportation)  
73, K 194
- HB 610**, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. (Kurk, Hills 5: Environment and Agriculture)  
74, rules suspended & SO 539, 567, am 575-576, psd 633, conc S am 776, enr 920 (Chapter 137)
- HB 611-FN-L**, relative to the availability of certain nursing home beds. (Downing, Rock 26; et al: Health, Human Services and Elderly Affairs)  
74, K 210
- HB 612**, relative to expenditures from the dam maintenance fund by the department of environmental services. (Royce, Ches 9; et al: Resources, Recreation and Development)  
**new title:** relative to expenditures from the dam maintenance fund by the department of environmental services and extending a study committee report date.  
74, Finance 150-151, psd 414, 512, conc S am 776, enr 920, report date extended 1025 (Chapter 138)
- HB 613**, establishing a task force relative to fuels. (Langley, Rock 24; et al: Science, Technology and Energy)  
74, K 152
- HB 614**, relative to certain duties, responsibilities, and authority of the fiscal committee. (Kurk, Hills 5: Legislative Administration)  
74, psd 418, 512, died on table in S 1018 (K)
- HB 615**, relative to the duties of motor vehicle inspectors. (Bartlett, Belk 6; et al: Transportation)  
**new title:** relative to the duties of motor vehicle inspectors and fees payable to the department of safety.  
74, psd 428, 512, conc S am 832, enr 920 (Chapter 139)
- HB 616**, clarifying sessions to be held at the satellite district court in Durham. (Wall, Straf 9; et al: Judiciary)  
74, am 416, psd 512, S conc 915, enr 967 (Chapter 227)
- HB 617**, relative to zoning for hobby vehicles. (Artz, Hills 34: Municipal and County Government)  
74, ret 1021
- HB 618**, relative to charitable auto wholesale dealers. (Bartlett, Belk 6; et al: Transportation)  
74, K 428
- HB 619**, relative to the sale or lease of goods or services to residents of this state via the Internet. (Belanger, Rock 26; et al: Commerce)  
75, ret 1021
- HB 620**, relative to arrangements between birth parents and adoptive parents. (Lyman, Carr 5: Children and Family Law)  
75, psd 299, 372, S conc 772, enr 887 (Chapter 79)

- HB 621**, relative to the form of prescriptions. (Splaine, Rock 34: Health, Human Services and Elderly Affairs)  
75, K 320
- HB 622**, relative to the time period for the executive council to confirm nominees to the supreme court. (Splaine, Rock 34: Judiciary)  
75, psd 417, 512, S Com 916, Clerk's note 1024 (S Com)
- HB 623**, relative to the registration of criminal offenders. (Kurk, Hills 5: Criminal Justice and Public Safety)  
84, K 301
- HB 624**, establishing a committee to study requiring mandatory ethics seminars for judges. (Alger, Graf 9; et al: Judiciary)  
84, K 322
- HB 625-FN**, establishing a moratorium on the land application of class B biosolids. (B. Hall, Hills 20: Environment and Agriculture)  
84, rules suspended & SO 539, 567, K 576
- HB 626**, relative to an override of the limitation on appropriations by a local legislative body. (Melcher, Hills 11: Municipal and County Government)  
84, K 421
- HB 627-FN**, establishing a market-based water pollutant trading program. (B. Hall, Hills 20: Municipal and County Government)  
84, ret 1021
- HB 628**, relative to disclosure of cost of services by medical providers and relative to cost of medical services charged to uninsured consumers. (Dickinson, Carr 2; et al: Health, Human Services and Elderly Affairs)  
84, K 188
- HB 629-FN-A**, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor. (Snyder, Straf 14; et al: Education)  
84, SO 197, rules suspended & SO 237-238, am & Finance 340, ret 1021
- HB 630**, establishing a committee to study ayurvedic health care. (Nowe, Rock 3; et al: Executive Departments and Administration)  
**new title:** establishing a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions.  
84, am 410-411, psd 512, S nonconc 753
- HB 631-L**, relative to access to public school programs by home educated pupils. (B. Hall, Hills 20; et al: Education)  
**new title:** relative to access to public school programs by nonpublic or home educated pupils.  
84, am 778, psd 816, Clerk's note 1024
- HB 632**, allowing the sale of collectible beer without a license. (Lawton, Belk 1; et al: Commerce)  
84, K 388
- HB 633**, relative to the order of names on ballots. (Vaillancourt, Hills 44; et al: Election Law)  
84, K 350-351
- HB 634**, relative to public/private partnership projects in the department of transportation. (Gleason, Rock 13; et al: Public Works and Highways)  
84, ret 1021
- HB 635**, relative to family mutual support services. (Manning, Ches 9; et al: Health, Human Services and Elderly Affairs)  
84, psd 247, 293, S conc 819, enr 920 (Chapter 140)

- HB 636**, enabling municipalities to enact “organic zones” that exclude commercial farmers that are not organic certified. (Rabideau, Rock 16; et al: Municipal and County Government)  
84, K 421
- HB 637-FN**, requiring training for certain members of the workers’ compensation appeals board. (Espieffs, Ches 19; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** requiring annual training for members of the workers’ compensation appeals board.  
84, am 250, psd 293, S conc 821, enr 920 (Chapter 141)
- HB 638**, relative to certification of food protection managers. (Emerton, Hills 7; et al: Health, Human Services and Elderly Affairs)  
84, K 274
- HB 639**, relative to the preparation of town ballots and relative to the nomination of presidential electors. (Gilmore, Straf 11: Election Law)  
**new title:** relative to the preparation of town ballots.  
84, am 303, psd 372, S conc 772, enr 887 (Chapter 80)
- HB 640**, establishing a committee to study changing the Hooksett liquor store into a family hospitality center. (Leishman, Hills 13: Public Works and Highways)  
84, K 424
- HB 641-FN-A**, relative to a study by the legislature of gender bias in the New Hampshire court system and making an appropriation therefor. (Wendelboe, Belk 2: Legislative Administration)  
84, K 220
- HB 642-FN-L**, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize former county correctional facilities as state facilities. (Cloutier, Sull 8; et al: Criminal Justice and Public Safety)  
84, rules suspended 142, rem 298, K 365-366
- HB 643-FN**, establishing a committee to study a long-term care protection plan and extending the moratorium on new nursing home beds. (Kurk, Hills 5: Health, Human Services and Elderly Affairs)  
**new title:** extending the moratorium on new nursing home beds.  
85, am 188-189, psd 239, nonconc S am, conf 892, 911, rep adop 960, enr 975 (Chapter 253)
- HB 644-FN-A-L**, requiring the sweepstakes commission to hold a sealed bid auction for permits to operate slot machines and providing municipalities the option of allowing the operation of slot machines. (V. Clark, Rock 17: Ways and Means)  
85, ret 1021
- HB 645-FN-A-L**, relative to state aid for provision of an adequate education, and for additional local education tax relief. (V. Clark, Rock 17: Education)  
85, rem 178, rules suspended & SO 237-238, K 260
- HB 646**, relative to an exemption for pupils scoring at the advanced level on the verbal portion of the state assessment test. (V. Clark, Rock 17: Education)  
85, K 406
- HB 647-FN-L**, relative to the power of governmental entities to appropriate public money. (Souza, Hills 40; et al: Municipal and County Government)  
85, K 421-422
- HB 648-FN**, designating certain child care agencies as homeless youth programs. (Emerton, Hills 7; et al: Children and Family Law)  
**new title:** authorizing licensing of homeless youth programs.  
85, am 256-257, psd 293, conc S am 891, enr 923 (Chapter 188)



- HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty. (Langer, Merr 11; et al: Executive Departments and Administration)  
85, rules suspended & am 205-206, psd 239, nonconc S am, conf 901, 911, rep adop 960, enr am 975, enr 975 (Chapter 291)
- HB 650-FN**, relative to master plans. (M. Fuller Clark, Rock 36; et al: Municipal and County Government)  
85, ret 1021
- HB 651-FN-A-L**, authorizing the establishment of state-owned casino and convention center facilities and making an appropriation therefor. (R. L'Heureux, Hills 18; et al: Ways and Means)  
85, rem 178, rules suspended & SO 237-238, K 286-287
- HB 652**, relative to the penalties for reckless or negligent operation of a motor vehicle. (R. L'Heureux, Hills 18; et al: Transportation)  
85, am 428, psd 512, S conc 915, enr am 969, enr 970 (Chapter 254)
- HB 653-FN**, relative to certain signs within highway rights-of-way. (Kurk, Hills 5; et al: Public Works and Highways)  
85, am 424-425, psd 512, S conc 907, enr 923 (Chapter 200)
- HB 654-FN-L**, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities. (Phinizy, Sull 7; et al: Environment and Agriculture)  
85, ret 1021
- HB 655-FN-A-L**, establishing an advance disposal fee to fund local mercury presorting and recycling programs. (Phinizy, Sull 7; et al: Environment and Agriculture)  
85, rules suspended 238, ret 1021
- HB 656-FN-L**, relative to the formula for distributing school building aid grants. (Alger, Graf 9; et al: Education)  
85, SO 197, rules suspended & SO 237-238, am & Finance 340-341, ret 1021
- HB 657**, relative to bail recovery agents. (Dickinson, Carr 2; et al: Executive Departments and Administration)  
85, K 411
- HB 658-FN-A**, relative to the homeless prevention fund and making an appropriation therefor. (Potter, Merr 24; et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to the homeless prevention fund.  
85, am & Finance 210, rules suspended & SO 539, 567, rcmt 583-584, am (RC) 744-748, psd 752, Clerk's note 1024
- HB 659-FN**, relative to penalties for attempting to purchase firearms illegally. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
85, am 404, psd 511, conc S am 891, enr 923 (Chapter 189)
- HB 660**, relative to out-of-home placements in juvenile abuse and neglect cases. (Lyman, Carr 5; et al: Children and Family Law)  
85, ret 1021
- HB 661**, relative to hearing timelines in abuse and neglect cases. (Lyman, Carr 5: Children and Family Law)  
85, ret 1021
- HB 662**, relative to the voluntary merger of contiguous lots. (V. Clark, Rock 17: Municipal and County Government)  
85, K 422
- HB 663**, relative to lights on school buses. (P. Bradley, Coos 6; et al: Transportation)  
85, am 428, psd 512, S conc 772, enr 887 (Chapter 81)

- HB 664**, relative to disqualification for violating election laws. (Mirski, Graf 12: Election Law)  
85, K 304
- HB 665**, protecting licensed professionals from retaliation from their licensing boards for criticism of board practices. (Mirski, Graf 12: Executive Departments and Administration)  
85, K 306
- HB 666**, permitting the placement of political advertising on highway rights-of-way. (Leber, Merr 1: Election Law)  
86, rules suspended & SO 539, rcmt 566, K 800
- HB 667**, relative to certain reporting requirements and relative to meetings of the board of medicine. (Pilliod, Belk 3: Executive Departments and Administration)  
86, am 306-308, psd 372, S conc 907, enr am 925, enr 967 (Chapter 228)
- HB 668**, prohibiting the use of genetic testing for certain insurance purposes. (Kurk, Hills 5; Gilmore, Straf 11; et al: Commerce)  
86, rem 382, rules suspended & SO 511, 539, 567, 632, rcmt 665-666, ret 1021
- HB 669**, requiring certain safety devices on freight locomotives. (Baroody, Hills 42; et al: Transportation)  
86, am 429, psd 512, S Com 916, Clerk's note 1024 (S Com)
- HB 670**, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. (Weed, Ches 19; et al: Commerce)  
86, rem 382, rules suspended & SO 511, 539, 567, 632, K 666
- HB 671**, enabling municipalities to adopt a property tax credit based on income for blind, disabled, or elderly taxpayers receiving Social Security income. (Burnham, Ches 8; et al: Municipal and County Government)  
86, K 422
- HB 672**, relative to coverage for mental and nervous conditions. (Crosby, Merr 20; et al: Commerce)  
86, ret 1021
- HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency. (Akins, Graf 14; et al: Municipal and County Government)  
86, ret 1021
- HB 674**, enabling towns and school districts to adopt a policy for the removal of local elected officials for cause. (V. Clark, Rock 17: Municipal and County Government)  
86, K 422
- HB 675**, relative to mercury source reduction. (Lynde, Hills 24; et al: Environment and Agriculture)  
86, ret 1021
- HB 676-L**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. (Phinizy, Sull 7; et al: Environment and Agriculture)  
**new title:** establishing a committee to study the creation of a regional program for collection and marketing of certain components of the municipal solid waste stream.  
86, rules suspended & SO 539, 567, am 576, psd 633, nonconc S am, conf 766, 869, rep adop 960, enr am 971, enr 975, appointments 1030 (Chapter 255)
- HB 677**, relative to certification and filing of nomination papers. (Gilmore, Straf 11; et al: Election Law)  
86, rules suspended & SO 539, am 566, psd 567, S conc 819, enr 920 (Chapter 142)

- HB 678**, relative to notice of release of an inmate from state prison. (Fairbanks, Ches 18; et al: Criminal Justice and Public Safety)  
86, rem 824, am 885-886, psd 888, Clerk's note 1024
- HB 679**, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12. (Potter, Merr 24; et al: Education)  
86, rem 382, rules suspended & SO 511, 539, 567, 632, am 669, psd 722, Clerk's note 1024, (S Com)
- HB 680**, relative to foreign insurers. (Avery, Ches 8: Commerce)  
**new title:** relative to foreign reinsurers.  
86, am 388, psd 511, S conc 772, enr 887 (Chapter 82)
- HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
86, ret 1021
- HB 682**, relative to accidental disability income benefits. (Bickford, Straf 1: Executive Departments and Administration)  
86, K 308
- HB 683**, relative to the prescription of Methylphenidate (Ritalin) to minors. (Albert, Straf 17; et al: Health, Human Services and Elderly Affairs)  
86, K 321
- HB 684**, relative to the occupational therapy practice act. (Millham, Belk 4: Executive Departments and Administration)  
87, am 308-310, psd 372, S conc 907, enr 923 (Chapter 190)
- HB 685-FN**, allowing pregnant women to use parking spaces reserved for persons with disabilities. (Kenney, Carr 6; et al: Transportation)  
87, rem 241, K 290
- HB 686**, relative to the scope of discovery in abuse and neglect cases. (Mirski, Graf 12; et al: Children and Family Law)  
87, ret 1021
- HB 687-FN**, relative to labeling requirements of genetically engineered foods. (Lynde, Hills 24; et al: Commerce)  
88, K 539
- HB 688**, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules. (Gilman, Graf 1; et al: Executive Departments and Administration)  
88, K 311
- HB 689**, establishing a committee to study the effectiveness and fairness of county government. (Leone, Sull 2; et al: Municipal and County Government)  
88, ret 1021
- HB 690**, adopting the "Financial Information Privacy Protection Model Act." (L. Fraser, Merr 9: Commerce)  
**new title:** relative to disclosure of nonpublic personal health information.  
88, rem 382, rules suspended & SO 511, 539, 567, 632, am 666-668, psd 722, S Com 820, Clerk's note 1024 (S Com)
- HB 691-FN-A**, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor. (Emerton, Hills 7; et al: Health, Human Services and Elderly Affairs)  
88, Finance 210-211, ret 1022

- HB 692**, relative to the use of psychological testing and psychiatric drugs in schools. (L. Christiansen, Hills 23; et al: Education)  
88, rem 241, K 290
- HB 693**, rescinding the prohibition on the possession and use of tobacco products by minors and making tobacco use prevention programs in secondary schools the priority of the tobacco use prevention fund. (L. Christiansen, Hills 23: Finance)  
88, rules suspended & SO 539, 567, K 584
- HB 694**, establishing a separate high school civics graduation requirement. (Estabrook, Straf 8; et al: Education)  
89, rules suspended & SO 539, am (RC) 553-557, psd 567, (SK)
- HB 695**, relative to net energy metering. (Pitts, Rock 35; et al: Science, Technology and Energy)  
89, ret 1022
- HB 696**, requiring certain waterfront property to have an approved septic system. (Hager, Merr 18: Resources, Recreation and Development)  
89, K 426
- HB 697**, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. (Hunt, Ches 10; et al: Commerce)  
89, psd 300, 372, died on table in S 1018, (K)
- HB 698**, relative to verification of checklists. (Gilmore, Straf 11; et al: Election Law)  
89, rules suspended & SO 539, am 566-567, psd 567, S conc 907, enr 923 (Chapter 191)
- HB 699**, relative to the rights of non-offending parents in the context of abuse and neglect cases. (Mirski, Graf 12; et al: Children and Family Law)  
89, am 384, psd 511, S conc 915, enr 967 (Chapter 229)
- HB 700**, not introduced
- HB 701**, relative to municipal regulation of renewable energy systems. (D. White, Hills 25: Municipal and County Government)  
89, ret 1022
- HB 702**, making revisions to the consumer protection act. (Kennedy, Merr 7: Commerce)  
**new title:** relative to the duties of the committee to study the consumer protection effort in New Hampshire.  
**2<sup>nd</sup> new title:** relative to the duties of the committee to study the consumer protection effort in New Hampshire and relative to the membership of the long-term care board.  
**3<sup>rd</sup> new title:** relative to the duties of the committee to study the consumer protection effort in New Hampshire, relative to the membership of the long-term care board, and establishing a task force on privacy issues.  
89, am 389, psd 511, nonconc S am, conf 900, 911, rep adop 960, enr am 974, enr 975, committee amended 1025, 1026, appointments 1031 (Chapter 256)
- HB 703**, relative to durable powers of attorney. (Dokmo, Hills 14; et al: Judiciary)  
89, am 417-418, psd 512, nonconc S ams, conf 914, 919, conferee change 921, rep adop 960, enr am 974, enr 975 (Chapter 257)
- HB 704**, relative to the applicability of the right-to-know law to certain governmental committees. (Splaine, Rock 34; et al: Judiciary)  
89, K 248
- HB 705**, exempting certain disclosures by town officers from confidentiality requirements. (Splaine, Rock 34; et al: Municipal and County Government)  
89, K 422



- HB 706**, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings. (Gilmore, Straf 11: Children and Family Law)  
89, ret 1022
- HB 707**, establishing a committee to study the usage of 211 as a uniform community service information and referral number. (Hager, Merr 18; et al: Science, Technology and Energy)  
**new title:** establishing a 211 commission.  
89, am 365, psd 373, nonconc S ams, conf 913, 919, rep adop 960, enr 970, appointments 1031 (Chapter 258)
- HB 708-FN**, relative to the definition of “child” for the purposes of home education and relative to access to public school programs by home educated pupils. (Weyler, Rock 18; et al: Education)  
111, rules suspended & SO 539, K 557
- HB 709-FN-A-L**, relative to the cigarette tax and prescription drugs for the elderly and continually appropriating a special fund. (Emerton, Hills 7; et al: Ways and Means)  
111, K 195
- HB 710-FN**, relative to liquor licenses and fees. (Hunt, Ches 10: Commerce)  
111, rules suspended 238, ret 1022
- HB 711**, relative to reporting by candidates. (Clemons, Hills 31; et al: Election Law)  
111 rules suspended & SO 539, K 567
- HB 712-FN**, relative to the coordination of state, regional, and local planning efforts. (Melcher, Hills 11; et al: Municipal and County Government)  
111, rem 777, am 804-807, psd 817, Clerk’s note 1024
- HB 713-FN**, addressing public health issues relative to indoor smoking. (Manning, Ches 9; M. et al: Commerce)  
111, ret 1022
- HB 714-FN**, requiring the disclosure by a governor or councilor of certain gifts. (Splaine, Rock 34: Executive Departments and Administration)  
111, K 311
- HB 715-FN**, relative to the New Hampshire port authority. (M. Fuller Clark, Rock 36; et al: Public Works and Highways)  
111, rules suspended & SO 539, 567, K 632
- HB 716-FN**, relative to minimum wages of employees in public works. (Heon, Straf 14: Public Works and Highways)  
111, rem 382, rules suspended & SO 511, 539, 567, 632, K 677
- HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes, and establishing a temporary moratorium on new all terrain vehicle and trail bike trails. (Alger, Graf 9; et al; Resources, Recreation and Development)  
**new title:** establishing a committee to make recommendations on policy concerning state-operated and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.  
**2<sup>nd</sup> new title:** establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles.  
**3<sup>rd</sup> new title:** establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles, and reclassifying certain positions within the department of resources and economic development from unclassified to classified status.

**4<sup>th</sup> new title:** establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles. 111, rules suspended & SO 539, 567, 632, am 636-637, psd 722, nonconc S am, conf 901, 911, rep adop 960, enr am 974-975, enr 975, appointments 1031 (Chapter 259)

**HB 718-FN**, establishing minimum renewable standards for energy portfolios. (Gilmore, Straf 11; et al: Science, Technology and Energy)  
111, ret 1022

**HB 719**, relative to the removal of public officials for cause. (Poulin, Merr 14; et al: Executive Departments and Administration)  
111, psd 311, 372, S conc 907, enr 923 (Chapter 192)

**HB 720**, relative to permitting the use of certain firearms for hunting deer. (Hopper, Hills 5: Fish and Game)  
111, rules suspended & SO 539, 567, am 585, psd 633, conc S am 823, enr 920 (Chapter 143)

**HB 721-FN**, relative to the use of marijuana for medicinal purposes. (Vaillancourt, Hills 44; et al: Health, Human Services and Elderly Affairs)  
111, K (RC) 211-213

**HB 722**, relative to town elections. (Leber, Merr 1: Election Law)  
**new title:** relative to town, village district, and school district elections.  
112, am 846, psd 888, Clerk's note 1024

**HB 723**, relative to vacancies in county offices. (Leber, Merr 1; et al: Municipal and County Government)  
112, am 422-423, psd 512, nonconc S am, conf 776, 889, rep adop 960, enr 975, veto sustained (RC) 1009-1012

**HB 724**, relative to pooled risk management programs for public employers. (Wheeler, Hills 7; et al: Labor, Industrial and Rehabilitative Services)  
112, rem 382, rules suspended & SO 511, 539, 567, 632, K (RC) 673-676

**HB 725**, relative to titles to destroyed vehicles. (Pepino, Hills 40: Transportation)  
112, K 429

**HB 726-L**, relative to change of school assignment and transfers of public school pupils. (Alger, Graf 9; et al: Education)  
**new title:** relative to change of school assignment and transfers of public school pupils and relative to the voting procedures for authorizing certain capital projects in interstate school districts.  
112, am 243-244, psd 293, nonconc S am, conf 900, 911, rep adop 960, enr 975 (Chapter 292)

**HB 727**, making certain changes concerning the authority and operation of the port authority. (Leber, Merr 1; et al: Executive Departments and Administration)  
112, psd 411, 512, S conc 753, enr 818 (Chapter 48)

**HB 728-FN-A-L**, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. (Gilmore, Straf 11; et al: Environment and Agriculture)  
112, rules suspended 238, ret 1022

**HB 729**, permitting a person charged with a felony or misdemeanor to access the medical and psychiatric records of the alleged victim. (L. Jean, Hills 17; et al: Criminal Justice and Public Safety)  
112, ret 1022

**HB 730**, establishing a committee to study the transfer of the Goffstown district court to a new location. (Emerton, Hills 7; et al: Public Works and Highways)  
112, ret 1022

**HB 731-FN**, relative to securities laws. (Gilmore, Straf 11; et al: Commerce)

**new title:** relative to securities laws and making a change to Article 9 of the Uniform Commercial Code.

**2<sup>nd</sup> new title:** relative to securities laws, making a change to Article 9 of the Uniform Commercial Code, and relative to standards for records filed with a registry of deeds.

112, am 389-400, psd 511, conc S am 891, enr am 969, enr 970 (Chapter 260)

**HB 732**, relative to the regulation of land use by the Pease development authority. (Splaine, Rock 34; et al: Public Works and Highways)

112, K 425

**HB 733**, deleting references to “rebuttable presumption” from the laws of this state. (Mirski, Graf 12: Judiciary)

112, K 248

**HB 734**, eliminating the teen assessment project in the university system of New Hampshire. (Albert, Straf 17; et al: Education)

112, SO 539, K (RC) 557-559

**HB 735-L**, permitting towns and cities to deny a planning board application by a vote of the legislative body. (K. Hutchinson, Rock 29; et al: Municipal and County Government)

112, K 423

**HB 736-FN**, establishing the consumer safety firearms protection act. (M. Fuller Clark, Rock 36; et al: Criminal Justice and Public Safety)

112, K (RC) 257-260

**HB 737**, relative to the possession and use of epinephrine auto-injector devices by emergency medical care providers. (M. Fuller Clark, Rock 36; et al: Health, Human Services and Elderly Affairs)

112, K 247

**HB 738**, establishing a commission to assess the operating efficiency of state government. (Moran, Hills 15; et al: Executive Departments and Administration)

112, am 411-412, psd 512, nonconc S ams, conf 914, 919, conferee change 921, rep adop 960, enr am 970, enr 975, veto sustained (RC) 1012-1016

**HB 739**, establishing a committee to study the application of the rule against perpetuities. (Moran, Hills 15: Judiciary)

112, K 248

**HB 740**, relative to decommissioning of nuclear electric generating facilities. (J. Bradley, Carr 8; et al: Science, Technology and Energy)

112, rules suspended & SO 539, 567, 632, psd 644, 722, S conc 819, enr am 918, enr 923, committee amended 1026 (Chapter 193)

**HB 741-FN-A-L**, relative to supplemental grants to certain municipalities to cap tax effort per pupil. (Sapareto, Rock 13; et al: Finance)

112, rem 382, rules suspended & SO 511, 539, 567, 632, K (RC) 670-672,

**HB 742-FN-L**, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. (Sapareto, Rock 13; et al: Ways and Means)

112, rules suspended 239, rules suspended & SO 539, 567, 632, K (2RCs) 653-662

**HB 743**, transfers the department of youth development services to the department of health and human services. (Lyman, Carr 5; et al: Children and Family Law)

**new title:** transferring the department of youth development services to the department of health and human services.

112, rules suspended 142, am 326-329, psd 373, S conc 907, enr am 969-970, enr 975, committee amended 1025, 1026 (Chapter 286)

- HB 744-FN-A**, establishing a family and disability leave program. (Gile, Merr 16; et al: Labor, Industrial and Rehabilitative Services)  
113, rules suspended 238, ret 1022
- HB 745-FN**, revising Article 9 of the Uniform Commercial Code and related statutes. (Hunt, Ches 10; et al: Commerce)  
113, am 400-403, psd 511, S conc 907, enr am 918, enr 923 (Chapter 102)
- HB 746**, authorizing citizen suits to assure enforcement of New Hampshire's environmental statutes. (Leishman, Hills 13; et al: Judiciary)  
113, K 351
- HB 747-FN-L**, relative to increases in the cost of an adequate education. (Hess, Merr 11: Education)  
113, SO 197, rules suspended & SO 237-238, LT (RC)341-344, 1018
- HB 748-FN-A-L**, relative to school building aid grants in the determination of adequate education grants. (Hess, Merr 11: Education)  
**new title:** relative to the distribution of aid to pupils eligible for free or reduced-price meals.  
**2<sup>nd</sup> new title:** revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.  
113, SO 197, rules suspended & SO 237-238, LT rej, am & Finance (2RCs) 344-350, am (RC) 460-465, psd 512, Clerk's note 1024 (S Com)
- HB 749-FN-A-L**, relative to the transportation cost component in the determination of adequate education grants. (Hess, Merr 11: Finance)  
113, K 466
- HB 750-L**, relative to the development and adoption of the school administrative unit budget. (Kurk, Hills 5; et al: Education)  
113, ret 1022
- HB 751**, authorizing an advisory committee and establishing a conflict of interest policy regarding grant awards from the health care fund. (Gorman, Hills 29; et al: Health, Human Services and Elderly Affairs)  
113, K 321
- HB 752**, relative to certain revisions of the right-to-know law. (Souza, Hills 40; et al: Judiciary)  
113, K 248
- HB 753**, relative to exemptions from issuer dealer licenses for the sale of securities. (Hess, Merr 11: Commerce)  
113, am 403, psd 511, conc S am 776, enr am 918, enr 923 (Chapter 194)
- HB 754**, relative to the testing and certification of fluorine-bearing chemicals injected into the public water supply. (Richardson, Ches 12; et al: Resources, Recreation and Development)  
113, K 426
- HB 755**, relative to groundwater contamination and gasoline sampling. (Martin, Hills 34; et al: Science, Technology and Energy)  
113, ret 1022
- HB 756**, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone. (K. Hutchinson, Rock 29: Criminal Justice and Public Safety)  
113, ret 1022
- HB 757**, revising the definition of an adequate education; establishing an education improvement fund, and implementing a professional development program and an early literacy initiative within the department of education; and revising the formula to calculate the cost of an adequate education. (Kurk, Hills 5; et al: Education)



**new title:** establishing an early literacy and reading improvement initiative.  
113, rules suspended 238, am (RC) & Finance 783-789, ret 1022

**HB 758**, relative to the sale of gasoline containing ethers. (Kurk, Hills 5; et al: Science, Technology and Energy)

**new title:** relative to the sale of gasoline containing ethers and establishing a gasoline remediation and elimination of ethers fund.

114, rules suspended & SO 539, 567, 632, am (RC) 644-650, psd 722, nonconc S am, conf 913, 919, conferee change 921, rep adop 960, enr 975, committee amended 1026 (Chapter 293)

**HB 759-FN-A-L**, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education. (Hager, Merr 18; et al: Ways and Means)

114, rules suspended 142, SO 511, K, recon rej & IP rej (3RCs) 521-530

**HB 760-FN**, relative to the possession of silencing devices and relative to the use of silencing devices for taking game. (Patten, Carr 9; et al: Fish and Game)

**new title:** relative to the use of silencing devices for taking game.

114, rules suspended & SO 539, 567, am 585-586, psd 633, S conc 907, enr 923 (Chapter 201)

**HB 761-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. (Jacobson, Merr 2: Ways and Means)

114, rules suspended 142, rem 382, rules suspended & SO 511, 539, 567, 632, K (2RCs) 680-685

**HB 762-FN-A**, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund. (M. Fuller Clark, Rock 36; et al: Ways and Means)

114, rules suspended 142, ret 1022

**HB 763-L**, relative to obligations of county governments. (Chandler, et al)

116, rules suspended & psd 116-117, S conc & enr 138 (Chapter 2)

**HB 764-FN**, relative to interference with custody. (Burnham, Ches 8; et al: Criminal Justice and Public Safety)

**new title:** relative to the criminal offense of kidnapping.

140, am 405, psd 511, conc S am 891, enr am 925, enr 967 (Chapter 230)

**HB 765-FN-A**, establishing an historic homeownership mortgage credit program. (M. Fuller Clark, Rock 36; et al: Commerce)

140, rules suspended 142, ret 1022

**HB 766-FN-A-L**, establishing a New Hampshire education tax on gross receipts from the consumption of sales of goods and services as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax. (Peterson, Hills 8; et al: Ways and Means)

174, SO 511, K (RC) 530-533

**HB 767-FN-A-L**, establishing the excellence in learning in New Hampshire school funding and improvement program and making an appropriation therefor. (Burling, Sull 1et al: Finance)

175, K (RC) 466-469

**HB 768-FN**, relative to DNA testing of criminal offenders. (Kennedy, Merr 7; et al: Criminal Justice and Public Safety)

176, ret 1022

**HB 769-FN-L**, relative to fees paid by municipalities for excavating and dredging permit applications. (Gilmore, Straf 11; et al: Resources, Recreation and Development)

240, rules suspended & SO 539, 567, 632, am 637, psd 722, S conc 821, enr 920 (Chapter 144)

**(CLERK'S NOTE)**

House Rules required all House legislation to be introduced in the first year of the 2001-2002 biennium. A supplemental filing period for legislation was held April 23 – 27, 2001. The deadline for introduction of this legislation was June 26, 2001. House action on supplemental legislation was held over to the 2002 legislative session.

The following House Bills are included in this category:

**2001 SESSION****2002 SUPPLEMENTAL HOUSE BILLS INTRODUCED IN 2001 SESSION**

**HB 1101**, relative to the payment date for county taxes. (Jones, Sull 3; et al: Municipal and County Government)  
922

**HB 1102**, establishing a committee to study a hazardous waste coordinator certification program. (P. Allen, Ches 7; et al: Environment and Agriculture)  
922

**HB 1103**, establishing a committee to study the budget process. (Thulander, Hills 6; et al: Legislative Administration)  
922

**HB 1104**, establishing the Danny Carswell Memorial Patrol Shed in the town of Merrimack. (DeChane, Straf 6; et al: Public Works and Highways)  
922

**HB 1105**, relative to the appointment of non-certified employees within a school administrative unit. (Sova, Graf 11; Education)  
923

**HB 1106**, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. (Whalley, Merr 5; et al: Legislative Administration)  
923

**HB 1107**, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services. (Dowling, Rock 13; Children and Family Law)  
923

**HB 1108**, relative to personal appearance by law enforcement officers at administrative license suspension hearings. (Tholl, Coos 5; et al: Criminal Justice and Public Safety)  
923

**HB 1109**, establishing a commission to study problems related to the delivery of local assistance. (W. Johnson, Belk 4; et al: Municipal and County Government)  
923

**HB 1110**, relative to the sale of ferrets. (Phinizy, Sull 7: Environment and Agriculture)  
923

**HB 1111**, establishing a committee to study regulation and procedures for lake level investigations and orders. (Phinizy, Sull 7: Resources, Recreation and Development)  
923

**HB 1112**, relative to the notice period for hearings on excavation permits. (Sloan, Rock 12: Municipal and County Government)  
923

**HB 1113**, relative to boating on Sandogardy Pond in the town of Northfield. (Lockwood, Merr 9; Resources, Recreation and Development)  
923

- HB 1114**, establishing a committee to study the state's real estate leasing practices and requirements. (Emerton, Hills 7: Commerce)  
923
- HB 1115**, relative to the procedure for assignment of juvenile probation and parole officers. (Lyman, Carr 5; Children and Family Law)  
923
- HB 1116**, establishing a committee to study the feasibility of placing state liquor stores at the Manchester airport and at the Pease International Tradeport. (Power, Rock 13; et al: Public Works and Highways)  
923
- HB 1117**, establishing a committee to study the effects of prohibiting adverse possession in New Hampshire. (Dowling, Rock 13: Judiciary)  
923
- HB 1118**, relative to participation by certain judges in the state employee group health and dental insurance programs. (Reid, Straf 12: Executive Departments and Administration)  
984
- HB 1119-FN-L**, relative to landfill closing costs reimbursed by the department of environmental services. (Patten, Carr 9: Environment and Agriculture)  
985
- HB 1120**, relative to naming a certain **island** in Lake Winnepesaukee in the town of Moultonborough. (Patten, Carr 9; et al: Resources, Recreation and Development)  
985
- HB 1121**, relative to planning board recommended programs of capital improvements. (Patten, Carr 9; et al: Municipal and County Government)  
985
- HB 1122**, establishing a committee to study statistical patterns of DWI offenses. (Thompson, Hills 47: Criminal Justice and Public Safety)  
985
- HB 1123**, establishing a committee to study the feasibility of integrating the functions of the departments of education and health and human services. (Sova, Graf 11: Executive Departments and Administration)  
985
- HB 1124**, establishing a committee to evaluate the administration of the Medicaid "In and Out" Program. (C. Bouchard, Merr 22; et al: Finance)  
985
- HB 1125**, extending insurance coverage by health service corporations to certain call firefighters and emergency medical technicians employed by municipalities. (Czech, Belk 5; et al: Commerce)  
985
- HB 1126-FN-A**, establishing the weights and measures laboratory accreditation program. (Melcher, Hills 11; et al: Environment and Agriculture)  
985
- HB 1127**, relative to the timing for the filing of an affidavit for the disposition of nursing home patient accounts after death. (Brundige, Hills 18; et al: Judiciary)  
985
- HB 1128-FN**, relative to the retirement system classification for the director of field services, department of corrections. (C. Bouchard, Merr 22: Executive Departments and Administration)  
985

- HB 1129**, relative to discriminatory practices by owners of public accommodations. (Bruno, Hills 4: Judiciary)  
985
- HB 1130**, increasing the rate of workers' compensation. (Mears, Coos 7; et al: Labor, Industrial and Rehabilitative Services)  
985
- HB 1131**, establishing a committee to study increasing the number of physicians who are New Hampshire residents. (S. Harris, Sull 9; et al: Health, Human Services and Elderly Affairs)  
985
- HB 1132**, relative to grip height on motorcycles. (Packard, Rock 29; et al: Transportation)  
985
- HB 1133**, relative to intrastate fresh pursuit. (Reid, Straf 12: Criminal Justice and Public Safety)  
985
- HB 1134**, relative to lighting requirements for motor vehicles and trailers. (Reid, Straf 12: Transportation)  
985
- HB 1135**, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire. (French, Merr 3; et al: Health, Human Services and Elderly Affairs)  
985
- HB 1136**, proclaiming February 14 as Congenital Heart Defect Awareness Day. (Chalbeck, Rock 8; et al: Health, Human Services and Elderly Affairs)  
985
- HB 1137**, relative to the crime of resisting arrest. (Knowles, Straf 11; et al: Criminal Justice and Public Safety)  
985
- HB 1138**, requiring the attorney general to initiate a declaratory judgement action concerning record title matters related to the Green Hills subdivision in the town of Raymond. (Bishop, Rock. 12; et al: Municipal and County Government)  
985
- HB 1139**, allowing the governor to enter into reciprocal international child support agreements. (Dowling, Rock 13: Children and Family Law)  
985
- HB 1140**, providing for the nomination and appointment of a "state treasure." (Dickinson, Carr 2: Executive Departments and Administration)  
985
- HB 1141**, relative to the adoption of innovative land use zoning. (McKim, Ches 3: Municipal and County Government)  
985
- HB 1142**, relative to the advisory council on unemployment compensation. (Mears, Coos 7: Labor, Industrial and Rehabilitative Services)  
985
- HB 1143**, establishing a committee to study self-certification of hazardous waste small quantity generators. (Melcher, Hills 1: Environment and Agriculture)  
985
- HB 1144**, establishing a committee to study access to the polls by disabled persons and the use of new technology to accommodate disabled voters. (Buckley, Hills 44: Election Law)  
986



- HB 1145-FN-A**, requiring metal detectors in the state house and legislative office building and making an appropriation therefor. (Giordano, Rock 26; et al: Legislative Administration)  
986
- HB 1146**, relative to candidate qualifications for school district office. (Packard, Rock 29: Education)  
986
- HB 1147**, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction. (L. Jean, Hills 17; et al: Criminal Justice and Public Safety)  
986
- HB 1148**, naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson, Jr. State Office Complex. (Mirski, Graf 12; et al: Public Works and Highways)  
986
- HB 1149**, establishing a committee to study the efficiency of the long-term care facility survey process. (Micklon, Rock 26; et al: Health, Human Services and Elderly Affairs)  
986
- HB 1150**, relative to insurance compliance self-audits. (L. Fraser, Merr 9: Commerce)  
986
- HB 1151**, establishing a commission to examine the status of public school curriculum requirements in civic education. (Chandler, Carr 1; et al: Education)  
986
- HB 1152**, establishing a committee to study methods for clarifying the division of authority between boards of selectmen and elected chiefs of police. (Giuda, Graf 3; et al: Municipal and County Government)  
986
- HB 1153**, relative to the jurisdiction of the board of manufactured housing. (Wheeler, Hills 7; M. Fuller Clark, Rock 36: Commerce)  
986
- HB 1154**, relative to appeals of historic district commissions. (Drisko, Hills 22: Municipal and County Government)  
986
- HB 1155**, relative to the unauthorized use of firearms in towns and cities. (Giuda, Graf 3; et al: Municipal and County Government)  
986
- HB 1156**, relative to the issuance of building permits on private roads. (Patten, Carr 9: et al: Municipal and County Government)  
986
- HB 1157**, providing for the local option to apply the current use laws. (Sova, Graf 11: Municipal and County Government)  
986, vac Environment & Agriculture 1016
- HB 1158**, relative to the definition of "party." (Brewster, Merr 1: Election Law)  
986
- HB 1159**, prohibiting mail-order pharmacies from substituting generic drugs without written authorization. (Taylor, Straf 11: Commerce)  
986
- HB 1160-FN-L**, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville. (P. Allen, Ches 7: Resources, Recreation and Development)  
986

- HB 1161**, relative to youth employment. (Mears, Coos 7; et al: Labor, Industrial and Rehabilitative Services)  
986
- HB 1162**, relative to unsolicited electronic mail. (Avery, Ches 8; et al: Commerce)  
986
- HB 1163**, relative to child passenger restraints. (R. L'Heureux, Hills 18; et al: Transportation)  
987
- HB 1164**, renaming the Sugden House in Odiome State Park in the town of Rye as the Clark House. (Varrell, Rock 9: Public Works and Highways)  
987
- HB 1165**, establishing a committee to study issues arising from State v. Laurie. (Hopper, Hills 5: Judiciary)  
987
- HB 1166**, relative to sign restrictions regarding alcoholic beverages. (Avery, Ches 8: Commerce)  
987
- HB 1167**, relative to wine tasting. (Avery, Ches 8: Commerce)  
987
- HB 1168**, relative to ambulatory surgical facilities owned in whole or in part by a hospital. (Martel, Hills 45; et al: Health, Human Services & Elderly Affairs)  
987
- HB 1169**, relative to the termination of safe deposit box leases. (Taylor, Straf 11; et al: Commerce)  
987
- HB 1170**, extending the environmental audit program. (Melcher, Hills 11: Environment and Agriculture)  
987
- HB 1171**, establishing a committee to study the state's role in supporting organic agriculture. (Rabideau, Rock 16: Environment and Agriculture)  
987
- HB 1172**, relative to the adoption of rules for certain wetland permits. (Royce, Ches 9: Resources, Recreation and Development)  
987
- HB 1173**, relative to the identification and notification of putative fathers. (Arnold, Hills 20: Children and Family Law)  
987
- HB 1174-FN-L**, requiring the provision of educational opportunities to expelled pupils. (Rodd, Merr 3: Education)  
987
- HB 1175**, relative to proclaiming oneself a New Hampshire native. (L. Jean, Hills 17: et al: Judiciary)  
987
- HB 1176**, limiting the hours available for telephone solicitation. (Pantelakos, Rock 30: Commerce)  
987
- HB 1177**, enforcing the prohibition on the possession and use of tobacco products by minors through the juvenile statutes. (L. Christiansen, Hills 23: Children and Family Law)  
987

- HB 1178-FN**, relative to the recreational taking of lobster by scuba diving. (Harrington, Straf 4: et al: Resources, Recreation and Development)  
987, vac Fish and Game 1016
- HB 1179**, establishing a task force to investigate the feasibility of utilizing the Concord to Lincoln rail corridor for passenger service. (G. Katsakiores, Rock 13: et al: Transportation)  
987
- HB 1180**, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. (G. Katsakiores, Rock 13: et al: Transportation)  
987
- HB 1181**, requiring registration of political parties. (J. Bradley, Carr 8: Election Law)  
987
- HB 1182**, establishing a committee to study a managed care model for New Hampshire's home and community-based care system. (Dalrymple, Rock 26: et al: Health, Human Services and Elderly Affairs)  
987
- HB 1183**, establishing a committee to study the conformity of administrative rules to statutory authority. (L. Christiansen, Hills 23: Executive Departments and Administration)  
987
- HB 1184-FN**, permitting the department of health and human services to use the National Medical Support Notice. (Wallner, Merr 24: et al: Commerce)  
987
- HB 1185-FN**, relative to the possession of deadly weapons in a safe school zone. (Artz, Hills 34: et al: Criminal Justice and Public Safety)  
987
- HB 1186-FN**, relative to penalties for flag desecration. (Thompson, Hills 47; et al: Criminal Justice and Public Safety)  
987
- HB 1187-FN**, relative to criminal penalties for possession of a firearm in a safe school zone. (W. Johnson, Belk 4: et al: Criminal Justice and Public Safety)  
987
- HB 1188**, prohibiting discrimination because of political belief. (Brewster, Merr 1: Judiciary)  
988
- HB 1189**, relative to the plea of guilty but insane. (Marshall Quandt, Rock 20; et al: Criminal Justice and Public Safety)  
988
- HB 1190**, relative to local school management of teacher hiring and retention. (Alger, Graf 9; et al: Education)  
988
- HB 1191**, establishing a committee to study the expansion of opportunities for teacher certification and the election of members of the state board of education. (Alger, Graf 9; et al: Education)  
988
- HB 1192**, relative to the use of enrollment by residence data in the calculation of adequate education grants. (Alger, Graf 9; et al: Finance)  
988
- HB 1193-L**, relative to local enforcement of junk yards and motor vehicle recycling yards. (Alger, Graf 9; et al: Municipal and County Government)  
988

- HB 1194**, relative to medical records. (Taylor, Straf 11: Health, Human Services & Elderly Affairs)  
988
- HB 1195**, relative to the comprehensive shoreland protection act. (Palermo, Rock 21: Resources, Recreation and Development)  
988
- HB 1196**, enabling municipalities to adopt a property tax exemption for deaf persons. (Burnham, Ches 8: Municipal and County Government)  
988
- HB 1197-FN**, relative to providing notice of invasive species to New Hampshire citizens. (Bruno, Hills 4: Environment and Agriculture)  
988
- HB 1198**, relative to the minimum hourly rate for certain employees. (Mears, Coos 7: Labor, Industrial and Rehabilitative Services)  
988
- HB 1199-FN**, providing for the certification of septage haulers. (Philbrick, Carr 4; et al: Environment and Agriculture)  
988
- HB 1200**, not introduced
- HB 1201**, relative to charitable trust customer data. (Taylor, Straf 11; et al: Commerce)  
988
- HB 1202-FN**, reducing fees for municipal permits for registration of certain hybrid vehicles. (Corbin, Rock 9: Municipal and County Government)  
988
- HB 1203**, relative to retroactive health insurance denials. (Francoeur, Rock 22; et al: Commerce)  
988
- HB 1204**, relative to administrative rulemaking of the sweepstakes commission. (Lovett, Graf 6: Executive Departments and Administration)  
988
- HB 1205**, relative to the availability of motor vehicle records for the distribution of seat belt safety materials. (C. Bouchard, Merr 22: Transportation)  
988
- HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II member in the performance of duty. (Baroody, Hills 42; et al: Executive Departments and Administration)  
988
- HB 1207**, relative to the regulation of the installation and servicing of fire suppression systems. (Holland, Rock 26: Executive Departments and Administration)  
988
- HB 1208**, relative to real estate broker liens. (Pappas, Hills 48: Commerce)  
988
- HB 1209**, relative to a civil rights act for health care providers. (Souza, Hills 40; et al: Health, Human Services & Elderly Affairs)  
989
- HB 1210**, relative to training to be a licensed esthetician. (Pantelakos, Rock 30; et al: Executive Departments and Administration)  
989



- HB 1211**, prohibiting insurers from discriminating against a person on the basis of the person holding elective office. (Lynde, Hills 24: Commerce)  
989
- HB 1212**, relative to certain disclosures in real estate sales. (L. Christiansen, Hills 23: Commerce)  
989
- HB 1213**, relative to personal school records of pupils. (Micklon, Rock 26; et al: Education)  
989
- HB 1214**, relative to medical waste incinerators and to the polyvinyl chloride content of medical waste. (Lynde, Hills 24; et al: Environment and Agriculture)  
989
- HB 1215**, relative to county delegations. (Jacobson, Merr 2: Municipal and County Government)  
989
- HB 1216**, erecting a sign in Berlin honoring its original settlers. (Dyer, Hills 8; et al: Public Works and Highways)  
989
- HB 1217**, relative to payment of trust income. (Hunt, Ches 10: Commerce)  
989
- HB 1218**, relative to the regulation of pharmacists and prescription drug orders. (Millham, Belk 4: Executive Departments and Administration)  
989
- HB 1219**, establishing a committee to study ways to implement the principles of state health care reform. (French, Merr 3; et al: Health, Human Services and Elderly Affairs)  
989
- HB 1220**, relative to assisted living residences and housing for older persons. (Kurk, Hills 5; et al: Commerce)  
989
- HB 1221**, relative to coordinating certain town and school district meetings. (Ward, Graf 1: Municipal and County Government)  
989
- HB 1222**, exempting ice-out contests from the laws regulating games of chance. (Ward, Graf 1: Criminal Justice and Public Safety)  
989
- HB 1223**, establishing a committee to study the model insurance rating laws. (Nowe, Rock 3: Commerce)  
989
- HB 1224**, adopting the nurse licensure compact. (Buckley, Hills 44; Clayton, Hills 39: Executive Departments and Administration)  
989
- HB 1225**, relative to disclosure of referral restrictions. (Bruno, Hills 4: Commerce)  
989
- HB 1226-L**, allowing discretionary easements to include barns used for farming. (Bruno, Hills 4: Municipal and County Government)  
989
- HB 1227**, relative to the appraisal of affordable housing developments. (Potter, Merr 24: Municipal and County Government)  
989

- HB 1228**, relative to union dues. (Palermo, Rock 21; et al: Labor, Industrial and Rehabilitative Services)  
989
- HB 1229-FN-A-L**, relative to funding of special education. (Giuda, Graf 3; et al: Education)  
990
- HB 1230-FN**, establishing the office of the special education advocate. (Sova, Graf 11: Education)  
990
- HB 1231-FN**, implementing a pre-engineering technology curriculum in the public high schools in the state. (Leber, Merr 1; et al: Education)  
990
- HB 1232-FN-L**, relative to the confidentiality of library user records. (McRae, Hills 7; et al: Children and Family Law)  
990
- HB 1233-FN-A**, requiring an audit of the department of education and making an appropriation therefor. (Sullivan, Carr 2; et al: Education)  
990
- HB 1234-FN**, relative to an education property tax cap for retired residents. (Giuda, Graf 3; et al: Ways and Means)  
990
- HB 1235**, relative to operation of motorized vessels and safe boater education. (C. Christensen, Hills 18; et al: Resources, Recreation and Development)  
990
- HB 1236-FN**, abolishing the marital master program. (Elliott, Hills 2: Judiciary)  
990
- HB 1237**, relative to a conflict of interest policy for persons having a substantial interest in grants awarded by or contracts with a state agency. (Gorman, Hills 29; et al: Executive Departments and Administration)  
990
- HB 1238**, requiring seating accommodations in retail establishments. (Furman, Hills 34; et al: Commerce)  
990
- HB 1239-FN-A**, relative to off-track wagering by certain establishments. (Corbin, Rock 9: Ways and Means)  
990
- HB 1240**, establishing a property tax limitation and credit for elderly persons and increasing the amount of the homestead right for elderly persons. (Emerson, Ches 13; et al: Municipal and County Government)  
990
- HB 1241-FN**, relative to salaries for the wardens of department of corrections facilities. (Knowles, Straf 11: Executive Departments and Administration)  
990
- HB 1242**, relative to the required vote for approving school district bond articles. (Micklon, Rock 26; et al: Municipal and County Government)  
990
- HB 1243**, relative to safety devices required for transporting logs, lumber, or timber. (Leber, Merr 1; et al: Transportation)  
990

- HB 1244**, establishing a committee to study the curriculum content of an adequate education. (Sova, Graf 11; et al: Education)  
990
- HB 1245-FN**, requiring applicants for recreational licenses issued by the fish and game department to provide his or her social security number. (Lyman, Carr 5: Fish and Game)  
990
- HB 1246**, relative to the chairperson of the board of recount in school district recounts. (Emerton, Hills 7; et al: Election Law)  
990
- HB 1247**, establishing a study committee to determine the feasibility of assessing land transfer fees on land bought by public agencies from private entities for conservation purposes. (Gilman, Graf 1; et al: Resources, Recreation and Development)  
990
- HB 1248-FN**, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies. (Gilman, Graf 1: Executive Departments and Administration)  
990
- HB 1249**, adopting the model Drug Dealer Liability Act. (Clegg, Hills 23; et al: Judiciary)  
990
- HB 1250**, not introduced
- HB 1251**, relative to the use of mercury amalgam fillings by dentists. (Lynde, Hills 24; et al: Health, Human Services and Elderly Affairs)  
990
- HB 1252**, relative to the membership of the wetlands council. (Gabler, Graf 8; et al: Resources, Recreation and Development)  
990
- HB 1253**, relative to possessory actions against tenants. (Potter, Merr 24; et al: Judiciary)  
990
- HB 1254**, relative to the budget preparation procedures of municipalities. (Sova, Graf 11; et al: Municipal and County Government)  
990
- HB 1255-FN**, relative to an extended term license to carry a concealed firearm. (Kennedy, Merr 7: Criminal Justice and Public Safety)  
990
- HB 1256**, relative to Clark Pond Road in the town of Haverhill. (Teschner, Graf 5; et al: Public Works and Highways)  
991
- HB 1257**, relative to oaths by public employees. (L. Christiansen, Hills 23: Judiciary)  
991
- HB 1258-FN**, relative to post-conviction DNA testing. (Lasky, Hills 33; et al: Criminal Justice and Public Safety)  
991
- HB 1259-FN-L**, relative to the base cost for calculating adequate education grants. (Hess, Merr 11; et al: Finance)  
991

- HB 1260-FN**, relative to certification and licensing of teachers and school administrators. (Sova, Graf 11: Education)  
991
- HB 1261-FN**, relative to penalties for DWI offenses. (Thompson, Hills 47: Criminal Justice and Public Safety)  
991
- HB 1262-FN-A-L**, relative to implementing on-line exchange of voter registration information and making an appropriation therefor. (Sova, Graf 11: Election Law)  
991
- HB 1263-FN-A-L**, establishing the statewide cost of an adequate education at zero dollars and repealing the education property tax. (Vaillancourt, Hills 44: Ways and Means)  
991
- HB 1264-FN-L**, returning all municipal fines to the municipality. (Pepino, Hills 40: Finance)  
991
- HB 1265-FN**, permitting certain gaming enforcement officers to be group II members of the New Hampshire retirement system. (Reid, Straf 12: Executive Departments and Administration)  
991
- HB 1266-FN**, relative to the appointment of a guardian of the estate of a minor. (K. Dionne, Hills 1: Children and Family Law)  
991
- HB 1267-FN-L**, relative to a ban on landfilling and incinerating aluminum cans. (Babson, Carr 5: Environment and Agriculture)  
991
- HB 1268-FN**, establishing a net operating loss deduction in computing the business profits tax. (Sapareto, Rock 13; et al: Ways and Means)  
991
- HB 1269-FN**, requiring the department of health and human services to compile and maintain abortion statistics. (Itse, Rock 11: Health, Human Services and Elderly Affairs)  
991
- HB 1270-FN**, making technical corrections due to the repeal of the legacies and succession tax. (Almy, Graf 14; et al: Ways and Means)  
991
- HB 1271-FN**, relative to dental care insurance for state employees and retired state employees. (Emerton, Hills 7; et al: Executive Departments and Administration)
- HB 1272-FN-A-L**, establishing a statewide special education funding pool. (Gilman, Graf 1: Finance)  
991
- HB 1273-FN**, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. (Alger, Graf 9; et al: Resources, Recreation and Development)  
991
- HB 1274**, relative to deputy town clerks. (Patten, Carr 9: Municipal and County Government)  
991
- HB 1275-FN-L**, relative to approval of budget calculations in the default budget of a municipality using the official ballot system. (Sova, Graf 11: Municipal and County Government)  
991



- HB 1276**, permitting pharmacists to dispense emergency contraception. (Gilmore, Straf 11; et al: Executive Departments and Administration)  
991
- HB 1277**, increasing the optional veterans' property tax credit. (Gilmore, Straf 11; et al: Municipal and County Government)  
992
- HB 1278**, establishing an abortion waiting period. (Thompson, Hills 47; et al: Judiciary)  
992
- HB 1279-FN-A**, making an appropriation for the purchase of equipment to record committee sessions. (Dyer, Hills 8; et al: Legislative Administration)  
992
- HB 1280-FN**, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. (Vaillancourt, Hills 44; et al: Transportation)  
992
- HB 1281**, establishing a commission to study public educational choice initiatives. (Alger, Graf 9; et al: Education)  
992
- HB 1282**, establishing a committee to study the impact of legalized casino gambling on the state of New Hampshire. (Vaillancourt, Hills 44; et al: Ways and Means)  
992
- HB 1283**, establishing a committee to study state and local regulation of helicopter landings. (Leach, Hills 9; et al: Transportation)  
992
- HB 1284**, relative to the time frame for petitions for zoning changes submitted to local planning boards. (Leach, Hills 9; et al: Municipal and County Government)  
992
- HB 1285**, relative to the applicability of the stalking statute to minors. (Leach, Hills 9; et al: Criminal Justice and Public Safety)  
992
- HB 1286**, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted. (Leach, Hills 9; et al: Criminal Justice and Public Safety)  
992
- HB 1287**, establishing a committee to study the need for additional training of attorneys representing clients in domestic relations matters. (Power, Rock 13: Children and Family Law)  
992
- HB 1288**, relative to regular meetings of local planning boards. (Leach, Hills 9; et al: Municipal and County Government)  
992
- HB 1289**, relative to personal health and financial information privacy. (Kurk, Hills 5; et al: Commerce)  
992
- HB 1290**, relative to genetic information. (Kurk, Hills 5; Below, Dist 5: Commerce)  
992

- HB 1291**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. (Burnham, Ches 8; et al: Education) 992
- HB 1292**, relative to interpreters for the deaf in certain governmental or public proceedings. (Burnham, Ches 8; et al: Judiciary) 992
- HB 1293**, relative to the specificity of criminal complaints and warrants. (R. L'Heureux, Hills 18; et al: Criminal Justice and Public Safety) 992
- HB 1294-FN-A**, reducing the tobacco tax. (Dickinson, Carr 2; et al: Ways and Means) 992
- HB 1295**, establishing an environmental services review commission. (Bruno, Hills 4: Executive Departments and Administration) 992
- HB 1296**, relative to ambient groundwater quality standards. (Bruno, Hills 4: Resources, Recreation and Development) 992
- HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation. (Bruno, Hills 4: Municipal and County Government) 992
- HB 1298**, relative to signage for the adopt-a-highway program. (Bruno, Hills 4: Public Works and Highways) 992
- HB 1299-FN**, relative to premarital preparation courses. (Hopper, Hills 5; et al: Children and Family Law) 992
- HB 1300**, not introduced
- HB 1301**, relative to grounds for divorce for persons with minor children. (Hopper, Hills 5; et al: Children and Family Law) 992
- HB 1302-FN**, relative to the purchase of certain prior service credit by members of the retirement system. (Pepino, Hills 40; et al: Executive Departments and Administration) 992
- HB 1303-FN**, prohibiting the wearing of certain facial coverings. (Pepino, Hills 40; et al: Criminal Justice and Public Safety) 993
- HB 1304**, prohibiting preferences in hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. (Harrington, Straf 4; et al: Executive Departments and Administration) 993
- HB 1305-FN**, relative to the pollution prevention program. (O'Connell, Hills 13: Environment and Agriculture) 993
- HB 1306-FN-L**, increasing the county's portion of fees collected from the real estate transfer tax. (Cloutier, Sull 8; et al: Municipal and County Government) 993

- HB 1307**, relative to the Dover-Somersworth-Durham district court. (Heon, Straf 14; et al: Judiciary)  
993
- HB 1308**, relative to checklist corrections on election day. (M. Cooney, Graf 7; et al: Election Law)  
993
- HB 1309**, prohibiting arrests for violation-level offenses. (L. Jean, Hills 17; et al: Criminal Justice and Public Safety)  
993
- HB 1310**, relative to the city of Manchester's contributory retirement system. (Buckley, Hills 44; et al: Executive Departments and Administration)  
993
- HB 1311**, relative to expunging certain mental health records. (L. Jean, Hills 17: Judiciary)  
993
- HB 1312**, establishing a committee to study the needs of the Native American population in New Hampshire. (Power, Rock 13: State-Federal Relations and Veterans Affairs)  
993
- HB 1313**, relative to spreading sludge on excavation sites for reclamation. (Melcher, Hills 11; et al: Environment and Agriculture)  
993
- HB 1314**, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees. (DiFruscia, Rock 27; et al: Legislative Administration)  
993
- HB 1315**, relative to requiring revaluation of property. (DiFruscia, Rock 27; et al: Municipal and County Government)  
993
- HB 1316**, eliminating the application of the rule against perpetuities in certain trusts which contain safeguards relative to the continued alienability of property. (Moran, Hills 15; et al: Judiciary)  
993
- HB 1317-FN-A-L**, targeting aid for education to certain school districts. (Hess, Merr 11; et al: Ways and Means)  
993
- HB 1318**, relative to the regulation of the use of pharmaceutical agents by licensed optometrists. (Micklon, Rock 26; et al: Executive Departments and Administration)  
993
- HB 1319-FN-A-L**, establishing the New Hampshire electronic gaming commission, creating New Hampshire electronic gaming districts, and authorizing the licensing and use of electronic gaming machines and equipment. (Micklon, Rock 26; et al: Ways and Means)  
993
- HB 1320**, establishing a committee to study establishing enterprise zones in economically deprived communities. (J. Hutchinson, Merr 15; et al: Municipal and County Government)  
993
- HB 1321-L**, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits. (Elliott, Hills 2: Municipal and County Government)  
993
- HB 1322**, requiring a super majority vote for adoption of certain tax legislation. (Weyler, Rock 18; et al: Ways and Means)  
993

- HB 1323**, establishing a committee to study performance-based public salaries. (Weyler, Rock 18: Executive Departments and Administration)  
993
- HB 1324-FN**, requiring that budget requests made by the state government be limited by inflationary and population growth indices. (Weyler, Rock 18; et al: Finance)  
993
- HB 1325**, prohibiting payroll deductions by public employers for political activities and prohibiting coercive actions against public employees to obtain political contributions. (Weyler, Rock 18: Labor, Industrial and Rehabilitative Services)  
993
- HB 1326**, establishing a committee to study the veterinary/medical education loan program and the veterinary/medical/optometric loan program. (Weyler, Rock 18; et al: Education)  
994
- HB 1327**, establishing a committee to study the recodification of railroad statutes in New Hampshire. (G. Katsakiores, Rock 13; et al: Transportation)  
994
- HB 1328**, establishing a committee to define “instructional hour” and “instructional time” for the purposes of primary and secondary education. (Sullivan, Carr 2; et al: Education)  
994
- HB 1329-FN**, relative to fiscal notes. (Sullivan, Carr 2; et al: Legislative Administration)  
994
- HB 1330-FN**, requiring state agencies to respond to fiscal note requests in a timely manner. (Sullivan, Carr 2; et al: Finance)  
994
- HB 1331**, requiring that the effect on revenues, expenditures, and fiscal liability be included in the reports of house standing committees. (Sullivan, Carr 2; et al: Legislative Administration)  
994
- HB 1332-FN-A**, requiring an audit of New Hampshire housing finance authority programs and making an appropriation therefor. (Sullivan, Carr 2; et al: Commerce)  
994
- HB 1333**, establishing a committee to study the definition of an adequate education. (Sullivan, Carr 2; et al: Education)  
994
- HB 1334-FN**, relative to a certain highway project in Brookfield, New Hampshire. (J. Bradley, Carr 8; et al: Public Works and Highways)  
994
- HB 1335**, excluding the services of a broker-dealer agent from the definition of employment for unemployment compensation purposes. (L. Fraser, Merr 9: Labor, Industrial and Rehabilitative Services)  
994
- HB 1336-FN**, permitting wine manufacturers to maintain restaurants or catering facilities. (Avery, Ches 8: Commerce)  
994
- HB 1337**, establishing a study committee to review and determine steps to fully implement the infant deafness program. (Burnham, Ches 8; et al: Health, Human Services and Elderly Affairs)  
994



- HB 1338**, clarifying that the judicial council is responsible for payment of indigent defense expenses. (Mock, Carr 3: Judiciary)  
994
- HB 1339**, relative to the offices of forest fire warden and deputy forest fire warden. (Shaw, Hills 45; et al: Municipal and County Government)  
994
- HB 1340**, establishing a committee to study the feasibility of computerizing and consolidating demographic information. (Lent, Straf 8; et al: Science, Technology and Energy)  
994
- HB 1341**, relative to permissible uses of education property tax revenues. (Henderson, Rock 20: Ways and Means)  
994
- HB 1342**, relative to preparation of fiscal notes. (Clegg, Hills 23; et al: Legislative Administration)  
994
- HB 1343**, relative to processing excavating and dredging permits. (Phinizy, Sull 7; et al: Resources, Recreation and Development)  
994
- HB 1344-L**, establishing a village plan alternative in zoning and land use planning laws. (Mirski, Graf 12: Municipal and County Government)  
994
- HB 1345**, relative to sex education instruction in public schools. (Palermo, Rock 21; et al: Education)  
995
- HB 1346**, relative to participation in certain health education programs. (Palermo, Rock 21; et al: Education)  
995
- HB 1347-FN**, authorizing the department of health and human services to intercept insurance payments if there is unpaid child support. (Emerton, Hills 7: Children and Family Law)  
995
- HB 1348**, clarifying the law regarding title-exempted vehicles. (Artz, Hills 34; et al: Transportation)  
995
- HB 1349-FN-A**, establishing a New Hampshire power authority. (Gilmore, Straf 11; et al: Science, Technology and Energy)  
995
- HB 1350**, not introduced
- HB 1351-FN**, granting group II retirement system status to certain positions in the department of corrections. (Dyer, Hills 8; et al: Executive Departments and Administration)  
995
- HB 1352-FN-L**, relative to establishing a hazardous duty classification in the length of service awards program. (Dyer, Hills 8: Municipal and County Government)  
995
- HB 1353-FN-A-L**, relative to video lottery at the racetracks. (Dickinson, Carr 2; Ways and Means)  
995
- HB 1354-FN**, licensing body art practitioners. (Dickinson, Carr 2; et al: Executive Departments and Administration)  
995

- HB 1355-FN-L**, relative to merging unincorporated places with abutting municipalities in Coos county. (Guay, Coos 6; et al: Municipal and County Government)  
995
- HB 1356-FN**, establishing the criminal offense of felony pursuit. (Stone, Rock 7; et al: Criminal Justice and Public Safety)  
995
- HB 1357-FN**, relative to the form of drivers' licenses. (Dickinson, Carr 2: Transportation)  
995
- HB 1358-FN-L**, relative to valuation of property for purposes of assessing the education property tax. (Cox, Rock 24; et al: Ways and Means)  
995
- HB 1359-FN**, establishing a department of financial services. (Elliott, Hills 2; et al: Executive Departments and Administration)  
995
- HB 1360-FN**, relative to appointments and qualifications of marital masters and procedures for cases heard by marital masters. (Elliott, Hills 2; et al: Judiciary)  
995
- HB 1361-FN**, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers. (R. Letourneau, Rock 13; et al: Commerce)  
995
- HB 1362-FN-A**, establishing a state-owned casino to provide funds for public education. (K. Hutchinson, Rock 29; et al: Ways and Means)  
995
- HB 1363-FN-L**, requiring the state to reimburse counties for the costs of incarcerating certain prisoners. (Cloutier, Sull 8; et al: Criminal Justice and Public Safety)  
995
- HB 1364-FN**, requiring an accounting of dedicated funds in the budgetary process. (Almy, Graf 14; et al: Finance)  
995
- HB 1365-FN**, requiring that the county departments of correction be charged the medicaid or lowest rate for inmates who need medical services within the community. (Odell, Sull 5; et al: Criminal Justice and Public Safety)  
995
- HB 1366-FN**, establishing a state employee cost-saving award program. (McHugh, Hills 26; et al: Executive Departments and Administration)  
995
- HB 1367-FN**, relative to the childhood lead poisoning prevention program. (Millham, Belk 4; et al: Health, Human Services and Elderly Affairs)  
995
- HB 1368-FN**, adopting the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure as law. (DiFruscia, Rock 27; et al: Judiciary)  
995
- HB 1369-FN-L**, requiring cities and towns to complete valuations of property and relative to the implementation of education property tax hardship relief provisions. (DiFruscia, Rock 27; et al: Municipal and County Government)  
995

- HB 1370**, relative to establishing a 6-year capital budget. (Leber, Merr 1; et al: Public Works and Highways)  
995
- HB 1371-FN-A-L**, relative to state aid for provision of an adequate education, and for additional local education tax relief. (V. Clark, Rock 17: Education)  
996
- HB 1372-FN**, relative to certain residential care facilities. (Millham, Belk 4; et al: Health, Human Services and Elderly Affairs)  
996
- HB 1373-FN**, relative to the participation in the New Hampshire retirement system by certain school district employees. (Dexter, Ches 11: Executive Departments and Administration)  
996
- HB 1374-FN**, requiring the department of environmental services to bear certain clean-up costs. (Gilman, Graf 1: Environment and Agriculture)  
996
- HB 1375-FN**, relative to the sale of land by the department of transportation. (Gilman, Graf 1: Public Works and Highways)  
996
- HB 1376-FN**, relative to distribution of tobacco settlement funds. (Pilliod, Belk 3; et al: Finance)  
996
- HB 1377-FN**, relative to the regulation of physical therapists. (Bruno, Hills 4: Executive Departments and Administration)  
996
- HB 1378-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. (Mirski, Graf 12; et al: Executive Departments and Administration)  
996
- HB 1379-FN**, affirming the state's sovereignty and revising the state's labor laws application to elected and appointed officials. (L. Christiansen, Hills 23: Judiciary)  
996
- HB 1380-FN**, relative to parental consent for abortions performed on children less than 16 years of age. (Souza, Hills 40; et al: Judiciary)  
996
- HB 1381-FN-A**, requiring licensing of public bathing facilities and of the operators, designers, and installers of public bathing facilities. (French, Merr 3; et al: Executive Departments and Administration)  
996
- HB 1382-FN**, revising requirements for restoring excavation sites. (B. Hall, Hills 20: Environment and Agriculture)  
996
- HB 1383**, relative to lucky 7. (Heon, Straf 14: Ways and Means)  
1016
- HB 1384**, making certain technical changes to the workers' compensation law. (Gilman, Graf 1: Labor, Industrial and Rehabilitative Services)  
1016

- HB 1385**, relative to trespassing on certain rail lines. (W. Kelley, Rock 12; et al: Criminal Justice and Public Safety)  
1016
- HB 1386-FN**, establishing a research and investigation unit for the house of representatives. (Henderson, Rock 20: Legislative Administration)  
1016
- HB 1387**, relative to toll exemptions for legislators. (Cossette, Straf 19: Legislative Administration)  
1016
- HB 1388**, relative to respiratory care. (P. Bradley, Coos 6; et al: Executive Departments and Administration)  
1016
- HB 1389**, enabling towns to charge fees for the disproportionate use of municipal safety services. (Scovner, Graf 13; et al: Municipal and County Government)  
1016
- HB 1390**, relative to quality assurance information. (Wendelboe, Belk 2: Judiciary)  
1016
- HB 1391**, relative to municipal budgets. (Wendelboe, Belk 2: Municipal and County Government)  
1016
- HB 1392**, relative to mediation before the board of manufactured housing. (Wendelboe, Belk 2: Commerce)  
1016
- HB 1393**, relative to the determination of just compensation in eminent domain proceedings. (Wendelboe, Belk 2: Judiciary)  
1017
- HB 1394**, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses. (Wendelboe, Belk 2; Clayton, Hills 39: Executive Departments and Administration)  
1017
- HB 1395**, relative to historic district commissions. (Cox, Rock 24; Langley, Rock 24: Municipal and County Government)  
1017
- HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment. (Whalley, Merr 5: Environment and Agriculture)  
1017
- HB 1397**, relative to the annual salary of police commissioners of the town of Wolfeboro. (J. Bradley, Carr 8; et al: Municipal and County Government)  
1017
- HB 1398**, relative to the vote required for issuance of bonds by the Sunapee water and sewer commission. (Leone, Sull 2; et al: Municipal and County Government)  
1017
- HB 1399-L**, relative to assessment of the land use change tax. (Goodwin, Straf. 12; et al: Environment and Agriculture)  
1017
- HB 1400**, not introduced



- HB 1401**, relative to the authority of highway agents. (Wendelboe, Belk 2: Municipal and County Government)  
1017
- HB 1402**, designating segments of the Isinglass River as protected under the rivers management and protection program. (Musler, Straf 6; et al: Resources, Recreation and Development)  
1017

## 2001 SESSION

### HOUSE JOINT RESOLUTIONS

- HJR 1**, urging Congress to expand eligibility for membership in the American Legion. (Dickinson, Carr 2; et al: State-Federal Relations and Veterans Affairs)  
42, psd 79-80, 83, S conc 293, enr am 374, enr 541 (Chapter 17)
- HJR 2**, directing the department of transportation not to proceed with construction of a new visitor's center at the Intervale scenic vista in North Conway without approval of the Conway design review committee and the Conway board of selectmen. (Dickinson, Carr 2; et al: Public Works and Highways)  
62, rem 143, K 167
- HJR 3**, encouraging the preservation of the system of locks on the Merrimack river. (R. L'Heureux, Hills 18; et al: Resources, Recreation and Development)  
68, psd 151, 174, S conc 541, enr am 634, enr 722 (Chapter 19)
- HJR 4**, urging Congress to amend the Pipeline Safety Act. (K. Hutchinson, Rock 29; et al: State-Federal Relations and Veterans Affairs)  
72, K 251
- HJR 5**, encouraging the use of renewable energy systems in new or rehabilitated state buildings. (D. White, Hills 25: Public Works and Highways)  
87, am 425, psd 512, conc S am 823, enr 920 (Chapter 129)

## 2001 SESSION

### HOUSE CONCURRENT RESOLUTIONS

- HCR 1**, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay. (Marshall Quandt, Rock 20; et al: State-Federal Relations and Veterans Affairs)  
31, adop 49-50, 56, S conc 294
- HCR 2**, urging the federal government to establish a new zip code for the town of Kensington. (Marshall Quandt, Rock 20; et al: State-Federal Relations and Veterans Affairs)  
31, am 50, adop 56, S conc 294, enr am 374
- HCR 3**, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. (Arndt, Rock 27; et al: State-Federal Relations and Veterans Affairs)  
40, K 79
- HCR 4**, encouraging New Hampshire Public Radio to extend its broadcast signal to all of Coos county including the Connecticut River Valley area. (L. Pratt, Coos 4: Science, Technology and Energy)  
40, adop 100, 110, S conc 177
- HCR 5**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (Patten, Carr 9: State-Federal Relations and Veterans Affairs)  
43, am 152, adop 174, conc S am 776, enr am 918

- HCR 6**, urging New Hampshire to use the “precautionary principle” when determining the safety and feasibility of using products, techniques, and technologies. (Owen, Merr 6: Science, Technology and Energy  
44, K (RC) 164-166
- HCR 7**, urging the federal government to allow a deduction for personal credit card interest from the federal income tax. (Marshall Quandt, Rock 20; et al: State-Federal Relations and Veterans Affairs  
61, adop 152-153, 174, (S K)
- HCR 8**, encouraging more direct flights and international flights from the Manchester airport. (Salatiello, Belk 2: Transportation)  
62, K 122
- HCR 9**, urging the President of the United States to increase the administration’s efforts to mediate a peaceful resolution to the dispute in Cyprus between Turkey and the Republic of Cyprus. (Salts, Hills 41; et al: State-Federal Relations and Veterans Affairs)  
62, am 153, adop 174, S conc 374
- HCR 10**, supporting the electoral college. (Wendelboe, Belk 2; et al: State-Federal Relations and Veterans Affairs  
65, rem 178, rules supended & SO 237-238, adop (RC) 279-281, 293, S concur 753
- HCR 11**, to evaluate regional transportation infrastructure links. (Guay, Coos 6; et al: State-Federal Relations and Veterans Affairs)  
68, adop 194, 239, S conc 634
- HCR 12**, requesting that the federal government lift federal preemption of regulation of gas pipelines and pipelines carrying other hazardous substances. (Hill, Rock 29; et al: State-Federal Relations and Veterans Affairs)  
**new title:** requesting that the federal government authorize greater state regulation of gas pipelines and pipelines carrying other hazardous substances.  
68, rcmt 281, rules suspended & SO 539, 567, 632, am 650, adop 722, S conc 819
- HCR 13**, calling on the President and the Congress to fully fund the federal government’s share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Cloutier, Sull 8; et al: State-Federal Relations and Veterans Affairs)  
75, adop 251, 293, conc S am 776
- HCR 14**, declaring the New Hampshire supreme court’s Claremont decisions to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution. (Pepino, Hills 40; et al: Ways and Means)  
113, ret 1022

### (CLERK’S NOTE)

House Rules required all House legislation to be introduced in the first year of the 2001-2002 biennium. A supplemental filing period for legislation was held April 23 – 27, 2001. The deadline for introduction of this legislation was June 26, 2001. House action on supplemental legislation was held over to the 2002 legislative session.

The following House Concurrent Resolutions are included in this category:

### 2001 SESSION

#### 2002 HOUSE CONCURRENT RESOLUTIONS introduced in 2001 session

- HCR 20**, encouraging trade with the Central American Northern Triangle. (Thompson, Hills 47: State-Federal Relations and Veterans Affairs)  
923

- HCR 21**, urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001. (L. Fraser, Merr 9; et al: Commerce)  
923, vac State-Federal and Veterans Affairs 1016
- HCR 22**, encouraging multiple use management and access for future land transfers to the White Mountain National Forest. (Gilman, Graf 1; et al: State-Federal Relations and Veterans Affairs)  
987
- HCR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest. (Teschner, Graf 5; et al: State-Federal Relations and Veterans Affairs)  
988
- HCR 24**, urging the federal government to declare a moratorium on major airline industry mergers. (Coughlin, Hills 12; et al: State-Federal Relations and Veterans Affairs)  
988
- HCR 25**, encouraging an increased distribution of federal money from the military budget to the states. (French, Merr 3; Richardson, et al: State-Federal Relations and Veterans Affairs)  
989
- HCR 26**, urging the U.S. Food and Drug Administration to remove all unapproved prescription fluoride products from the market. (Richardson, Ches 12: State-Federal Relations and Veterans Affairs)  
989
- HCR 27**, urging Congress to release information to the public regarding restrictions placed on Italian-American citizens of the United States during World War II. (Pepino, Hills 40; et al: State-Federal Relations and Veterans Affairs)  
996

## 2001 SESSION

### HOUSE RESOLUTIONS

- HR 1**, adopting the rules of the 2000 legislative session and providing that house rules may be amended by a majority vote of the house on or before January 25, 2001. (Herman, Hills 13; et al)  
intro & am 9-10, adop 11, am (RC) 21-29, am 54-55, rules suspended (deadlines) 75, 139, 372, 539, 721, 750, 769, 822, 887
- HR 2**, providing for the taping and correction of the house permanent journal. (Whalley, Merr 5; et al)  
intro & adop 11
- HR 3**, providing for the distribution of certain legislative publications. (Clegg, Hills 23; et al)  
intro & adop 11
- HR 4**, providing the time of payment for salary and mileage payments to house members. (Scanlan, Graf 11; et al)  
intro & adop 11
- HR 5**, directing the New Hampshire attorney general to report to the house of representatives on the feasibility of filing a class action lawsuit against the federal government to recover special education funding promised by the federal government under the Individuals with Disabilities Education Act. (Elliott, Hills 2; et al: State-Federal Relations and Veterans Affairs)  
40, K 121-122
- HR 6**, recognizing the ancient and aboriginal claim of Indians in the state to hunt and fish. (Kenney, Carr 6: Fish and Game)  
45, rem 143, K 166-167

- HR 7**, relative to the Society for the Protection of New Hampshire Forests. (Scanlan, Graf 11; et al) intro, rules suspended & adop 53-54, 56
- HR 8**, recognizing and marking the ten year anniversary of the February 28, 1991 Persian Gulf War cease fire. (Kenney, Carr 6) intro, adop & remarks 115-116
- HR 9**, memorializing State Representative Bernard J. Lambert of West Swanzey. intro, adop & remarks 141-142
- HR 10**, affirming revenue estimates for fiscal years 2001, 2002 and 2003. (Alukonis, Hill 23) intro 240, LT 290-291, 1018
- HR 11**, memorializing State Representative Bonnie L. Patria of Manchester. intro & adop 376
- HR 12**, memorializing State Representative Walter J. Mikowski of Londonderry. intro & adop 735
- HR 13**, memorializing State Representative Ronald G. Russell of Keene. intro, adopt & remarks 774-775
- HR 14**, memorializing State Representative David G. Poulin of Penacook. intro, adopt & remarks 999

### (CLERK'S NOTE)

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The following House Resolution is included in this category:

### 2001 SESSION

#### 2002 HOUSE RESOLUTION INTRODUCED IN 2001 SESSION

- HR 20**, supporting the country of Tibet. (J. White, Hills 46; et al: State-Federal Relations and Veterans Affairs. 1017

### 2001 SESSION

#### SENATE BILLS

- SB 11**, extending the reporting date of the committee to study and identify or establish the duties of the fish and game commission. (Fish and Game) 294, psd 738, 752, enr 818, report date extended 1025 (Chapter 41)
- SB 12**, relative to applications for the cooperative fencing program and the depredation permit program in the fish and game department. (Fish and Game) 294, psd 738, 752, enr 818 (Chapter 42)
- SB 13**, relative to the duties of a school nurse and relative to school food and nutrition programs. (Education) 294, psd 767, 770, enr 887 (Chapter 83)
- SB 14**, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries. (Education)
- new title**: relative to the definition of "school" for the purpose of the universal service fund for schools and libraries and ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett school districts. 294, am 737, psd 752, S conc 773, enr 887 (Chapter 84)



- SB 15**, extending the reporting date for the commission on the status of community-technical education. (Education)  
294, psd 737, 752, enr 818, report date extended 1025 (Chapter 43)
- SB 16-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor. (Environment and Agriculture)  
724, vac Finance 735, ret 1022
- SB 17-FN**, relative to accidental disability retirement benefits upon the death of a retired group II member. (Executive Departments and Administration)  
294, rules suspended 721, K 758
- SB 18**, relative to termination of small trusts. (Judiciary)  
294, am 738-739, psd 752, S nonconc , conf 824, rep adop 929, enr 975 (Chapter 261)
- SB 19**, establishing a committee to study prevention of voter fraud. (Election Law)  
294, psd 847, 888, enr 920, appointments 1031 (Chapter 122)
- SB 20**, relative to possessory actions instituted on the basis of nonpayment of rent. (Judiciary)  
294, am 739-740, psd 752, S conc 890, enr 920 (Chapter 123)
- SB 21**, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing. (Commerce)  
**new title:** establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing.  
294, am 824-825, psd 887, S conc 915, enr am 970, enr 975, appointments 1031-1032 (Chapter 262)
- SB 22**, requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program. (Executive Departments and Administration)  
634, ret 1022
- SB 23-L**, relative to the amount of interest on late paid property taxes which may be waived by the tax collector. (Municipal and County Government)  
294, psd 742, 752, enr 819 (Chapter 63)
- SB 25**, relative to preliminary breath tests. (Criminal Justice and Public Safety)  
294, psd 736, 752, enr 818 (Chapter 44)
- SB 26**, relative to probate court procedures regarding adoptions. (Children and Family Law)  
294, ret 1022
- SB 27**, allowing the state to apply for review of a state prison sentence by the superior court's review division. (Criminal Justice and Public Safety)  
294, psd 737, 752, enr 818 (Chapter 45)
- SB 28**, permitting disclosure of final decisions of the commissioner of revenue administration. (Ways and Means)  
294, ret 1022
- SB 30**, relative to DNA testing of criminal offenders. (Criminal Justice and Public Safety)  
753, ret 1022
- SB 31**, eliminating straight ticket voting. (Election Law)  
724, ret 1022
- SB 33**, relative to the definition of "campsite." (Resources, Recreation and Development)  
294, psd 742, 743, 752, enr 818 (Chapter 49)
- SB 35**, relative to a term for the chief justice of the supreme court. (Judiciary)  
374, psd 750, 752, enr 818 (Chapter 50)

- SB 36-FN-A**, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants. (Education)  
723, am & Finance 789-790, ret 1022
- SB 37**, extending the reporting date for the committee studying prescription drug access. (Health, Human Services and Elderly Affairs)  
294, psd 738, 752, enr 818, report date extended 1025 (Chapter 51)
- SB 39**, establishing the position of market conduct chief administrator in the insurance department. (Executive Departments and Administration)  
724, ret 1022
- SB 40**, changing the method by which the insurance department assesses insurers to fund its administration fund. (Commerce)  
294, psd 736, 751, enr 818 (Chapter 52)
- SB 41**, relative to technical corrections for life, accident and health insurance. (Commerce)  
294, am 825, 826, psd 887, S conc 915, enr am 970, enr 970 (Chapter 276)
- SB 42**, relative to charges for access to medical records. (Health, Human Services and Elderly Affairs)  
294, am 748-749, psd 752, S conc 773, enr 887 (Chapter 85)
- SB 44**, relative to false academic documentation. (Criminal Justice and Public Safety)  
294, psd 737, 752, enr 828 (Chapter 46)
- SB 45**, relative to the legislative oversight committee on electric utility restructuring. (Science, Technology and Energy)  
**new title:** relative to the legislative oversight committee on electric utility restructuring and relative to service from a rural electric cooperative under special contracts.  
541, am 760, psd 770, S conc 773, enr am 819, enr 819, committee amended 1025 (Chapter 86)
- SB 46**, relative to payments of scheduled awards under the workers' compensation law. (Labor, Industrial and Rehabilitative Services)  
294, psd 834, 888, enr 920 (Chapter 124)
- SB 47**, relative to ownership of certified public accounting firms. (Commerce)  
294, psd 826, 887, enr 920 (Chapter 96)
- SB 48**, relative to the rental of shared living facilities. (Judiciary)  
753, am 832-834, psd 888, S conc 915, enr am & enr 970 (Chapter 277)
- SB 49**, establishing a committee to study the creation of a landlord-tenant mediation project. (Judiciary)  
295, psd 740, 752, enr am 773, enr 819, appointments 1032 (Chapter 64)
- SB 50**, relative to the abatement of taxes in unincorporated towns or unorganized places. (Municipal and County Government)  
295, psd 742, 752, enr 818 (Chapter 53)
- SB 51**, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans. (Commerce)  
**new title:** relative to financial holding companies, establishing a cash dispensing machines study committee, and relative to the participation in meetings by out-of-state, nondepository trust company directors, and clarifying the status of student loans.  
724, am 826-827, psd 887, S nonconc, conf 913, rep adop 925-926, enr 975, appointments 1032 (Chapter 263)
- SB 53**, relative to attorneys' fees in certain circumstances under the workers' compensation law. (Labor, Industrial and Rehabilitative Services)  
634, am 834, psd 888, S nonconc, conf 914, rep adop 926, enr 975 (Chapter 278)

- SB 54**, relative to the transfer of funds in the community-technical college system. (Finance)  
295, am 872, psd 888, S conc 919, enr 967 (Chapter 203)
- SB 55**, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles. (Children and Family Law)  
295, psd 756, 770, enr am 819, enr 910, appointments 1032 (Chapter 97)
- SB 56**, relative to health care providers discontinuing service in New Hampshire. (Commerce)  
295, rem 736, remt 750, ret 1022
- SB 57**, relative to the economic development matching grants program. (Commerce)  
295, am 736, psd 752, S conc 819, enr 920 (Chapter 125)
- SB 58**, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor. (Ways and Means)  
295, psd 782, 817, enr 920 (Chapter 145)
- SB 59**, relative to the inclusion of a signature declaration and verification statement on teacher certification applications. (Education)  
295, psd 757, 770, enr 887 (Chapter 87)
- SB 61**, establishing a procedure for summary administration of estates. (Judiciary)  
295, am, 740, psd 752, S conc 773, enr am 819, enr 910 (Chapter 98)
- SB 62**, relative to guardianships. (Judiciary)  
374, am 781, psd 817, S conc 869, enr 920 (Chapter 146)
- SB 63**, relative to administration of estates and filing of wills by executors. (Judiciary)  
295, psd 740, 752, enr am 819, enr 923 (Chapter 195)
- SB 64**, establishing a fund to pay mediators in the probate courts. (Judiciary)  
374, rules suspended 721, am & Ways and Means 767-768, ret 1022
- SB 66-FN-A**, relative to appropriations to the port authority for dredging projects. (Public Works and Highways)  
295, rules suspended 721, ret 1022
- SB 67-FN**, relative to costs of locating and apprehending persons improperly at large for driving-related offenses. (Transportation)  
723, Finance 765, ret 1022
- SB 68**, relative to school district placements of children living in foster homes. (Education)  
295, am 767, psd 770, S nonconc, conf 869, rep adop 926, enr 975 (Chapter 294)
- SB 69-FN-A-L**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor. (Judiciary)  
723, am 801, psd 817, S nonconc, conf 913, rep adop 926-927, S rej rep(unable to agree) & req new conf, req rej 963-964
- SB 71**, establishing a study committee relative to the regulation and compensation of persons licensed under the real estate practice act. (Executive Departments and Administration)  
374, psd 758, 770, enr 819, appointments 1032 (Chapter 65)
- SB 72-FN**, relative to payment of medical benefits costs for group II members of the retirement system. (Executive Departments and Administration)  
295, rules suspended 721, Finance 738, ret 1022
- SB 73-FN**, relative to benefits awarded a surviving spouse of a police officer or firefighter killed in the line of duty. (Executive Departments and Administration)  
295, rules suspended 721, K 743

- SB 74**, relative to providing services under the Child Protection Act. (Children and Family Law)  
295, am 777-778, psd 816, S nonconc, conf 869, rep adop 927, enr 975 (Chapter 279)
- SB 75**, relative to physicians who make a report when a person is unfit to drive a motor vehicle. (Judiciary)  
295, K 834
- SB 76-FN**, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses. (Commerce)  
723, psd 827, 887, enr am 920, enr 967 (Chapter 204)
- SB 77**, relative to the regulation of plumbers and plumbing. (Executive Departments and Administration)  
724, ret 1022
- SB 78-FN-L**, relative to the distribution of special education records to certain educationally disabled pupils. (Education)  
295, K 757
- SB 81-FN-A**, regulating medication nursing assistants under the nurse practice act. (Executive Departments and Administration)  
724, ret 1022
- SB 82**, relative to service of process in marital matters. (Judiciary)  
374, psd 781, 817, enr 920 (Chapter 147)
- SB 83**, relative to the New Hampshire film and television commission. (Commerce)  
541, psd 827-828, 887, enr 920 (Chapter 126)
- SB 84**, relative to funeral processions. (Transportation)  
295, am 765-766, psd 770, S conc 890, enr am 920, enr 923 (Chapter 196)
- SB 85**, relative to collateralization of municipal trust funds. (Municipal and County Government)  
295, psd 742, 752, enr 818 (Chapter 54)
- SB 88-FN-A**, establishing a travel and tourism development fund in the department of resources and economic development and making an appropriation therefor. (Resources, Recreation and Development)  
634, ret 1022
- SB 89**, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application. (Resources, Recreation and Development)  
295, psd 743, 752, enr 818, appointments 1033 (Chapter 55)
- SB 92**, relative to the distribution of special education funds. (Education)  
295, psd 737, 752, enr 818 (Chapter 56)
- SB 93**, establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act. (Science, Technology and Energy)  
295, psd 760, 770, enr 887, appointments 1033 (Chapter 88)
- SB 95**, relative to campaign contribution limits. (Election Law)  
724, am (RC) 847-855, psd 888, S nonconc, conf 914, rep adop (RC) 929-936, S rej rep 964
- SB 98**, relative to notice requirements prior to the sale of manufactured housing parks. (Commerce)  
295, psd 828, 887, enr 920 (Chapter 148)
- SB 99**, relative to the exemption from the community benefits law for charitable trusts. (Commerce)  
**new title:** relative to the extension of time for filing a community benefits plan.  
295, rem 824, am 885, psd 888, S conc 915, enr 967 (Chapter 205)



- SB 100**, establishing a committee to study the feasibility of creating a mental health court division. (Judiciary)  
295, psd 781, 817, enr am 890, enr 920, appointments 1033 (Chapter 149)
- SB 101-FN**, relative to mooring permits and fees. (Resources, Recreation and Development)  
634, ret 1022
- SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire. (Commerce)  
724, ret 1022
- SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7. (Commerce)  
295, am 757, psd 770, S conc 915, enr 967 (Chapter 206)
- SB 106**, relative to consumers' cooperative associations. (Commerce)  
724, psd 828, 888, enr am 920, enr 923 (Chapter 197)
- SB 107-FN**, relative to violations of motor vehicle laws by foreign diplomatic and consular officers. (Transportation)  
295, am 782, psd 817, S conc 890, enr 920 (Chapter 150)
- SB 108**, relative to the definition of "funeral home." (Commerce)  
295, K 828
- SB 109**, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. (Commerce)  
727, am 828, 829, psd 888, S conc 915, enr 967 (Chapter 207)
- SB 110-FN-A**, extending the kindergarten construction program. (Education)  
723, am & Finance 790, ret 1022
- SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system. (Executive Departments and Administration)  
**new title:** extending the payment of group health insurance premiums for certain retired members of the retirement system.  
374, rules suspended 721, am & Finance 758, psd 872, 888, S nonconc, conf 914-915, conferee change 921, rep adop 936, enr 975 (Chapter 264)
- SB 114**, establishing a committee to study issues relating to judicial reform, and making an appropriation therefor. (Judiciary)  
724, K 781
- SB 115-FN**, granting a cost of living adjustment to certain retired group II firefighters. (Executive Departments and Administration)  
295, rules suspended 721, Finance 743-744, ret 1022
- SB 117**, relative to extended school year services for educationally disabled children. (Education)  
374, K 757-758
- SB 118**, relative to individual health insurance coverage. (Commerce)  
**new title:** relative to individual health insurance coverage and extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.  
723, am 836-844, psd 888, S nonconc, conf 891, rep adop 937-938, enr am 975, enr 975 (Chapter 295)
- SB 119**, relative to small group health insurance coverage. (Commerce)  
723, am 844-845, psd 888, S nonconc, conf 891-892, rep adop 939, enr 975 (Chapter 296)

- SB 120**, relative to tip pooling for certain hourly employees. (Labor, Industrial and Rehabilitative Services)  
295, rcmt 897-880, ret 1022
- SB 121**, relative to the advisory committee on international trade. (Commerce)  
295, psd 829, 888, enr 920, committee amended 1026 (Chapter 151)
- SB 122**, relative to the license to carry a weapon. (Criminal Justice and Public Safety)  
723, rem 756, K 769
- SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families. (Children and Family Law)  
295, psd 756-770, enr am 818, enr 910, appointments 1033 (Chapter 99)
- SB 124**, relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county. (Judiciary)  
374, vac Children 542, ret 1022
- SB 125-FN**, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation. (Executive Departments and Administration)  
374, rules suspended 721, Finance 758-759, ret 1023
- SB 126**, relative to the use of certain credit data in underwriting certain insurance policies. (Commerce)  
724, ret 1023
- SB 128**, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury. (Labor, Industrial and Rehabilitative Services)  
635, am & Exec Depts 740-741, ret 1023
- SB 130-FN**, extending the period in which an expired electrician's license may be renewed. (Executive Departments and Administration)  
295, am 778-779, psd 817, S nonconc, conf 870, conferee change 921, rep adop 927 (unable to agree)
- SB 131-FN-A**, establishing a study committee relative to charitable bingo operations. (Commerce)  
635, psd 757, 770, enr am 819, enr 910, appointments 1033 (Chapter 100)
- SB 132**, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends. (Executive Departments and Administration)  
635, psd 779, 817, enr 920 (Chapter 152)
- SB 133-FN-A**, relative to Skyhaven airport and making an appropriation therefor. (Public Works and Highways)  
923, am & Finance 801-802, ret 1023
- SB 134-FN-A**, establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways. (Public Works and Highways)  
635, psd 782, 817, enr 920, appointments 1033 (Chapter 153)
- SB 135-FN-L**, relative to kindergarten funding. (Education)  
723, Finance 767, ret 1023
- SB 136**, establishing a committee to study the use of multi-disciplinary team investigations of child abuse and neglect allegations. (Children and Family Law)  
295, psd 756, 770, enr 819, appointments 1033 (Chapter 66)
- SB 139**, relative to uniform electronic transactions. (Commerce)  
724, am 829, psd 888, S nonconc, conf 913, rep adop 927, enr am 970, enr 975 (Chapter 265)

- SB 141**, relative to proof of qualifications for voter registration. (Election Law)  
296, ret 1023
- SB 142-FN**, relative to the collection of debts owed to the state. (Ways and Means)  
724, ret 1023
- SB 143-FN**, establishing a study committee relative to registering and regulating home improvement contractors. (Executive Departments and Administration)  
374, K 779
- SB 144-L**, increasing bail commissioners' fees. (Judiciary)  
296, psd 801, 817, enr 920 (Chapter 154)
- SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment. (Ways and Means)  
375, am 782-783, psd 817, S conc 890, enr 920 (Chapter 127)
- SB 148**, relative to certain penalties for violations of the youth tobacco laws. (Commerce)  
**new title:** relative to certain penalties for violations of the youth tobacco laws and establishing a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission  
541, am 829-831, psd 888, S nonconc, conf 913, rep adop 927-928, enr 975, appointments 1033 (Chapter 280)
- SB2 149-FN**, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records. (Transportation)  
**new title:** changing the definition of "person" with respect to motor vehicle records and certification and permitting certain medical researchers access to motor vehicle records.  
724, am 836, psd 888, S conc 915, enr 967 (Chapter 208)
- SB 150**, relative to community services for persons with developmental disabilities. (Health, Human Services and Elderly Affairs)  
375, psd 738, 752, enr am 819, enr 910, (Chapter 101)
- SB 152-FN**, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. (Commerce)  
724, psd 831, 888, enr am 924, enr 967 (Chapter 209)
- SB 155-L**, limiting the liability of teachers and other educational employees. (Judiciary)  
541, ret 1023
- SB 156**, relative to the suspension of drivers licenses of persons under 20 years of age. (Transportation)  
296, psd 766, 770, enr 887 (Chapter 89)
- SB 157**, relative to state government information dissemination and access. (Executive Departments and Administration)  
296, am 759, psd 770, S conc 915, enr am & enr 970 (Chapter 281)
- SB 158-FN**, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children. (Executive Departments and Administration)  
723, ret 1023
- SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. (Executive Departments and Administration)  
723, ret 1023
- SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor. (Health, Human Services and Elderly Affairs)  
724, ret 1023

**SB 164-FN-A-L**, establishing a comprehensive statewide accountability system concerning an adequate education. (Education)

**new title:** establishing a comprehensive statewide accountability system concerning an adequate education and relative to nonrenomination of teacher contracts.

723, am (2 RCs) 790-800, psd 817, S nonconc, conf 913, rep adop (RC) 939-949, enr am 970, enr 975, S sustained veto 1017

**SB 165-FN**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use. (Transportation)

635, am 782, psd 817, S conc 869, enr am 890, enr 920 (Chapter 155)

**SB 167-FN-A**, relative to the medicaid payment for long-term care services. ( Health, Human Services and Elderly Affairs)

723, am 779-780, psd 817, S conc 869, enr am 890, enr 923, appointments 1035 (Chapter 198)

**SB 168-FN**, relative to education property tax hardship relief. (Ways and Means)

723, rem 824, am 886-887, psd 888, S conc 915, enr 967 (Chapter 210)

**SB 169-FN**, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut. (Municipal and County Government)

296, am 742, psd 752, S conc 773, enr 887 (Chapter 90)

**SB 170-FN-L**, making certain changes to the excavation tax and excavation activity tax. (Ways and Means)

723, am 884-885, psd 888, S conc 915, enr 967 (Chapter 211)

**SB 171-FN**, relative to the negotiation of cost items within the public employee collective bargaining process and relative to computation of leave for state police employees injured in the line of duty. S Com 916

**SB 174-FN-A**, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services. (Executive Departments and Administration)

724, psd (RC) 859-862, 888, enr 920 (Chapter 156)

**SB 176-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Executive Departments and Administration)

723, am 832, psd 888, S conc 915, enr 967 (Chapter 212)

**SB 178**, establishing a committee to study the uniform computer information transactions act. (Commerce)

724, K 831

**SB 181**, relative to the manufacture, sale, or installation of certain smoke detectors. (Commerce)

724, K 832

**SB 182-FN-A**, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund. ( Health, Human Services and Elderly Affairs)

724, Finance 800-801, ret 1023

**SB 183-FN-A-L**, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing. (Ways and Means)

725, ret 1023

**SB 184**, relative to review of fees for the removal and impoundment of motor vehicles. (Transportation)

375, am 766-767, psd 770, S conc 915, enr 967 (Chapter 213)

**SB 188-FN-L**, relative to abatements and appeals of betterment assessments. (Municipal and County Government)

725, ret 1023



- SB 189-FN-A**, establishing a gasoline remediation and elimination of ethers fund. (Science, Technology and Energy)  
724, am & Finance 760-765, ret 1023
- SB 190**, dedicating the I-93 causeway at Moore Dam and the Cottage Street Bridge in Littleton. (Public Works and Highways)  
**new title:** dedicating the I-93 causeway at Moore Dam, the Cottage Street Bridge in Littleton, and the Smith Bridge in Plymouth.  
375, am 759-760, psd 770, S conc 891, enr 920 (Chapter 157)
- SB 192-FN**, relative to the issuance of high/medium voltage licenses by the electricians' board. (Executive Departments and Administration)  
725, am 832, psd 888, S nonconc, conf 915, conferee change 921, rep adop 929, enr 975 (Chapter 266)
- SB 193-FN-A-L**, relative to changes in the property tax system and making an appropriation therefor. (Municipal and County Government)  
541, rules suspended 769, rem 777, am 807-816, psd 817, S conc 915, enr am 970, enr 975, appointments 1033, 1034-1035 (Chapter 297)
- SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members. (Executive Departments and Administration)  
753, ret 1023
- SB 197-FN**, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor. (Judiciary)  
**new title:** establishing a judicial conduct commission  
724, am (RC) 872-879, psd 888, S nonconc, conf 913, rep adop 949-953, enr am 971, enr 975 (Chapter 267)
- SB 199**, relative to the voting procedures for authorizing certain capital projects in interstate school districts. (Education)  
923, ret 1023
- SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program. (Labor, Industrial and Rehabilitative Services)  
923, ret 1023

## 2001 SESSION

### SENATE CONCURRENT RESOLUTIONS

- SCR 1**, urging the supreme court to expand the membership of the advisory committee on rules to include legislative members. (Judiciary)  
375, K 781
- SCR 2**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (State-Federal Relations and Veterans Affairs)  
296, am (RC) 802-804, adop 817, S conc 915

## 2001 SESSION

### CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 1**, relating to the rate of taxation of a tax dedicated to funding an adequate education. Providing that a two-thirds vote of the house of representatives and the senate shall be required to increase the rate of taxation of a tax dedicated to funding the state's obligation to provide an adequate education from the rate initially established. (Rowe, Hills 14: Finance)  
31, K 154

- CACR 2**, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court. (Phinizy, Sull 7; et al: Judiciary)  
40, ret 1018
- CACR 3**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed. (Pepino, Hills 40; et al: Judiciary)  
41, ret 1018
- CACR 4**, relating to the administrative head of the courts. Providing that article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed. (Bergin, Hills 16: Judiciary)  
41, ret 1018
- CACR 5**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Pepino, Hills 40; et al: Judiciary)  
**new title:** relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.  
42, rules suspended & SO 539, 567, am (RC) & remarks 587-597, adop 633, Clerk's note 1024, (S Com)
- CACR 6**, relating to proceedings for impeachment of judges. Providing that certain procedures shall be established in the house and senate for the impeachment of a judge. (DiFruscia, Rock 27; et al: Judiciary)  
43, K 321
- CACR 7**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education. (Pepino, Hills 40; et al: Finance)  
44, ret 1018
- CACR 8**, relating to the term of office for judges. Providing that the tenure of judges shall be during good behavior except as otherwise provided by the general court. (Sova, Graf 11: Judiciary)  
62, K 321
- CACR 9**, relating to the term of office for governor. Providing that beginning with the 2004 general election, there shall be a 4-year term of office for governor. (Burling, Sull 1: Election Law)  
63, rules suspended & SO 539, K 559
- CACR 10**, relating to term of office for judges and judicial retirement age. Providing that all judges appointed on or after January 1, 2003 shall serve a 5-year term which may be renewed by vote of the governor and council, and that the mandatory judicial retirement age shall be repealed. (Kennedy, Merr 7: Judiciary)  
68, rem 298, LT rej & K 369
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- CACR 14**, relating to the election of the attorney general and the appointment of county attorneys. Providing that the attorney general shall be elected by the general court and county attorneys shall be nominated and appointed by the governor and executive council. (Dodge, Rock 4: Election Law)  
72, K 350
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72, ret 1018
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923, ret 1019
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### (CLERK'S NOTE)

House Rules required all House legislation to be introduced in the first year of the 2001-2002 biennium. A supplemental filing period for legislation was held April 23 – 27, 2001. The deadline for introduction of this legislation was June 26, 2001. House action on supplemental legislation was held over to the 2002 legislative session.

The following Constitutional Amendment Concurrent Resolutions are included in this category:

### 2001 SESSION

#### 2002 CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS INTRODUCED IN 2001 SESSION

**CACR 30**, relating to the legislature's authority to define and fund education, education taxes, and delegation of power to local school districts. Providing that the legislature shall have the authority to determine the content, extent, beneficiaries, and funding of education or to delegate that authority to local school districts; and it shall have the authority to determine the proportion of taxes necessary to fund public education which shall be provided by state and local taxes and judicial review of the legislative determination shall be limited to whether the legislature has a rational basis for its decision. (Alger, Graf 9; et al: Finance)  
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HB 221, establishing a right to work act which provides for freedom of choice on whether to join a labor union. Question, adopt committee report of inexpedient to legislate.	
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HB 229, relative to third person liability under the workers' compensation law. Question, adopt majority report of ought to pass. Yeas, 221; Nays, 150 .....	535-537
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HB 232, relative to compensability of work-related stress injuries under the workers' compensation act. Question, adopt motion to recommit to committee.	
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HB 253-FN, relative to mercury reductions. Question, lay on table. Yeas, 131; Nays, 220 .....	864-866
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HB 291-FN-L, revising the procedure for determining the cost of an adequate education. Question, adopt committee report of inexpedient to legislate. Yeas, 296; Nays, 55 .....	157-160
HB 293, authorizing the production of industrial hemp. Question, adopt majority report of inexpedient to legislate. Yeas, 211; Nays, 114 .....	198-200
HB 297-FN-L, eliminating excess education property tax payments. Question, adopt committee report of inexpedient to legislate. Yeas, 327; Nays, 23 .....	171-173
HB 298-FN-L, relative to charter schools. Question, adopt committee report of ought to pass with amendment. Yeas, 215; Nays, 145 .....	334-337
HB 304-FN, relative to insurance coverage for prostate cancer testing. Question, adopt committee report of inexpedient to legislate. Yeas, 146; Nays, 217 .....	662-665
HB 319-FN, including a fetus in the definition of "another" for the purpose of negligent homicide. Question, adopt committee report of inexpedient to legislate. Yeas, 278; Nays, 47 .....	545-547
HB 339, prohibiting the taking of deer by baiting. Question, adopt committee report of inexpedient to legislate. Yeas, 155; Nays, 174 .....	366-368
HB 348-FN, prohibiting the land application of sludge in certain excavation areas. Question, adopt majority report of ought to pass with amendment. Yeas, 149; Nays, 196 .....	572-574
HB 351-FN-A-L, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. Question, adopt motion of nonconcur and request a conference committee. Yeas, 186; Nays, 166 .....	893-895
HB 355, relative to the contents of the department of education report on the condition of education statewide. Question, adopt committee report of inexpedient to legislate. Yeas, 296; Nays, 34 .....	287-290
HB 358-FN, relative to tolls on the Everett turnpike. Question, adopt motion to lay on table. Yeas, 242; Nays, 83 .....	221-223
HB 364, eliminating straight ticket voting. Question, adopt majority report of inexpedient to legislate. Yeas, 186; Nays, 147 .....	569-571
HB 375, making technical corrections in the tax laws. Question, adopt motion to divide the question. Yeas, 20; Nays, 338 .....	690-692
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HB 530, relative to the grounds for termination of the parent-child relationship. Question, adopt committee report of inexpedient to legislate. Yeas, 291; Nays, 62 .....	323-326
HB 537-FN-A, relative to a dedicated revenue source for the land and community heritage investment program and the state's travel and tourism promotion and development effort. Question, adopt majority amendment. Yeas, 189; Nays, 137 .....	226-228
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HB 540-FN-A, relative to prescription benefit management companies and continually appropriating a special fund. Question, adopt majority report of inexpedient to legislate. Yeas, 259; Nays, 68 .....	207-210
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HB 546-FN-A-L, relative to allowing cities and towns to permit slot machines and other games of chance. Question, adopt motion to lay on table. Yeas, 55; Nays, 290 .....	276-279
HB 562-FN-A-L, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for further education funding. Question, lay on table.	
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HB 587-FN-A, establishing a commission on the status of men, and making an appropriation therefor. Question, adopt majority report of ought to pass with amendment.	
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HB 602-FN, relative to the sale of fetal body parts. Question, adopt committee report of inexpedient to legislate. Yeas, 276; Nays, 45 .....	551-553
HB 658-FN-A, relative to the homeless prevention fund and making an appropriation therefor. Question, adopt majority amendment. Yeas, 193; Nays, 155 .....	745-748
HB 694, establishing a separate high school civics graduation requirement. Question, adopt majority report of inexpedient to legislate. Yeas, 148; Nays, 177 .....	554-556
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HB 724, relative to pooled risk management programs for public employers. Question, adopt committee report of inexpedient to legislate. Yeas, 306; Nays, 49 .....	673-676
HB 734, eliminating the teen assessment project in the university system of New Hampshire. Question, adopt committee report of inexpedient to legislate. Yeas, 218; Nays, 103 .....	557-559
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HB 738, establishing a commission to assess the operating efficiency of state government. Question, pass over governor's veto. Yeas, 226; Nays, 147 .....	1013-1016
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